NEW SERIES No. 25.

SELECTIONS FROM THE RECORDS

OF THE OFFICE OF THE

FINANCIAL COMMISSIONER, PUNJAB.

Published by Authority.

No. 50.

CONTENTS.

VOLUME I.

Lahore:
PRINTED AT THE "CIVIL AND MILITARY GAZETTE" PRESS,
BY SAMUEL T. WESTON.
(Sole Contractors for Printing to the Punjab Government.)
1910.

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Part I.—Correspondence.
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Papers connected with the Kulu Forest Settlement.

No. 150, dated Lahore, 24th February 1888.

From—R.E. YOUNGHUSBAND, Esquire, Officiating Senior Secretary to the Financial Commissioner, Punjab.

To—The Officiating Junior Secretary to Government, Punjab.

Honorable Colonel E. G. WACE.

Copy of a note by Mr. H. C. Hill, Conservator, Forests, Punjab.

Copy of a note by the Hon'ble Colonel E. G. Wace, Financial Commissioner, dated 18th October 1887.

Note by Colonel G. Gordon Young, Commissioner, Jullundur, dated 21st November 1887.

Note by Lieutenant-Colonel Bailey, R. E., Conservator, Forests, Punjab, dated 8th February 1887.

I AM directed by the Financial Commissioner to submit, for the orders of Government, Mr. A. Anderson's Report on the Forest Settlement of the Kulu Sub-Division of the Kangra District, together with the papers noted in the margin. I am at the same time directed to forward, for information and reference, a copy of the correspondence noted in the accompanying list on the general subject of forest management in Kulu.

A list of correspondence (not printed) on the subject of Forest management in Kulu, to accompany Financial Commissioner's No. 150, dated 24th February 1888. (See Forest Proceedings, April 1894, numbers as below.)

1. Assistant Commissioner, Kulu's No. 173, dated 15th August 1887, to the Commissioner, Jullundur, with statements (36—38).

2. Assistant Commissioner, Kulu's No. 193, dated 6th September 1887, to Commissioner, Jullundur, with translation of the enclosed report by Deputy Conservator of Forests (39—40).

3. Letter from Dr. Carleton (Junior) to the Hon'ble Colonel Wace, dated 19th August 1887 (41).

4. From Dr. Carleton (Junior) to the Hon'ble Colonel Wace, dated 22nd August 1887 (42).

5. From Dr. Carleton (Junior) to the Hon'ble Colonel Wace, dated 31st August 1887 (43).

6. From Dr. Carleton (Senior) to the Hon'ble Colonel Wace, dated 20th September 1887 (44).

7. Letter from Colonel G. Gordon Young to the Hon'ble Colonel Wace, dated 27th August 1887 (45).

8. Note by D. C. Johnstone, Esquire, late Assistant Commissioner of Kulu, dated 10th October 1887 (46).

9. Letter from Senior Secretary to the Financial Commissioner, to Commissioner, Jullundur, No. 5964, dated 25th October 1887, with endorsement No. 5965 of the same date, to Conservator, Forests (47-48).

10. Letter from Conservator, Forests, to the Senior Secretary to the Financial Commissioner, No. 299, dated 27th November 1887 (49).

Copy of a Note by Mr. H. C. HILL, Conservator of Forests, Punjab,

on

MR. ANDERSON's Report on Kulu Forest Settlement.

Paragraph 9.—The statement in Government of India Review, 1883-84, that Act VII provides for the *demarcation* of two classes of forests, *viz.*, reserved and protected, is going on the presumption that demarcation may be carried out with a view to the application of Chapter IV. It is not provided for in the Act.

Paragraph 16.—Such a record as Dr. Schlich proposed in regard to the rules of 1855, with maxima of cattle, produce, &c., would in my opinion have sufficiently fulfilled the conditions of Chapter II of the Act; and the whole of the 1st class protected may, I think now, with arbitrary maxima such as may be thought desirable, be at once made reserves. The 2nd class protected might well have been left undemarcated, and with suitable rules placed on the same footing as the undemarcated waste.

Thus all the demarcated areas would be one class, "Reserves," and all the undemarcated forest and waste "Protected."

The record for the protected forests has no finality, and I do not agree that it can be amended and made more definite. The limits fixed by Mr. Anderson are quite arbitrary and not within the powers given by Chapter IV.

Paragraph 18.—The assertions made in this paragraph are entirely opposed to my views, and I feel convinced such a line as I have noted in regard to paragraph 16 would have given more satisfactory and simpler results.

Paragraph 19.—The orders of Government, however, clearly settled the course to be dopted, and no choice remained when the settlement was taken in hand.

Paragraph 22.—It is precisely the major portion, 1,000 square miles of Mr. Anderson's 2nd class, which should have been thrown into class 3, the remaining 150 or 160 square miles being added to reserves, and this latter only demarcated.

Paragraph 32.—Then why should not relaxations take the form of maxima as above noted and the 1st class protected be declared reserves?

Paragraph 37.—If Chapter II is made the means of oppressions, it is the fault of the management, which is after all entirely in the hands of the highest executive authority —the Local Government. It is the ignoring of this fact that makes the up-hill of our forest settlements.

Paragraph 38.—The contiguous blocks of forest should have been classified as a whole under some suitable name, locally known sub-divisions being spoken of as such and such blocks. This unnecessary multiplication of the forests very much complicates registers.

Paragraphs 45 *and* 48.—I doubt very much if the limitation which it has been sought to put on rights in protected forests has any sound basis or real legality.

Paragraph 51.—The Forest Settlement Officer deals with rights and the extent to which they are exercised over the forest. The opening or closing of an area outside the portion burdened by rights is not exactly within his disposal. It is wrong, I think, to make an entry that two-thirds may be closed. What should be provided is that an area one-third of the whole, sufficiently suitable and conveniently situated, be *always* kept open for the exercise of the rights found and recorded.

Paragraph 57.—The same remark applies to the 2nd class protected.

Paragraph 58.—The concluding part of this paragraph is excellent, and I think the acquisition, not of fields, but of any waste adjoining deodar forests, should always be borne in mind.

Paragraph 62.—As remarked above, I would have left a very much larger area undemarcated. I now believe the area demarcated to be much in excess of what we need maintain under forest.

Paragraphs 63 *and* 64.—The permission to burn may be continued subject to the proposed conditions, and I hope the proposals referred to in paragraph 64 will be accepted.

Paragraph 67.—Applications for building timber should, as in Rawalpindi, be only received *once in five years* unless exceptional cases are made out.

There would, I think, be much advantage in insisting on a fee, however small, for all trees granted. It is necessary in order to prove the *bonâ fide* of the requirements.

Trees should be granted—

Firstly, from undemarcated lands;

2*ndly*, 2nd class protected;

3*rdly*, 1st class protected;

and, lastly and exceptionally, from reserves. I would therefore put a premium on applications bearing on the different forests in this order by a scale of rates, which might begin low, but rise to something approaching the market rate in reserves.

In Kot Khai, for instance, I find trees granted equally from reserves or from waste without regard as to whether they can be had from the latter. It is a matter of management, but a higher price would ensure the demarcated areas being indented on only when necessary.

Paragraphs 69 *and* 70.—With regard to fires, I trust there will be no difficulty in continuing the provisions of the rules of 1855. They undoubtedly best meet the case. The action proposed under Section 29 (*c*) cannot, I think, be taken. Such action would be apart from rights recorded under Section 28. From my point of view the record-of-rights has to be so made as to neither abridge nor affect any existing rights adverse to the Government, and further interference is scarcely admissible. It may be necessary to elect between Chapter IV and the Rules of 1855.

Paragraph 74, *et seq*.—The admission of goats to 1st class protected forests is much to be regretted, and I cannot think it was necessary.

Paragraphs 79 *and* 151.—The right to "lop" pines in 1st class protected was also I feel sure, quite uncalled for. In Bashahr it is not allowed, nor is it in Chamba.

In Inner and Outer Seoraj, where the right has been given, the undemarcated lands contain sufficient trees, and I would advocate this right being summarily disallowed within all demarcated areas.

In Inner Seoraj lopping had been stopped, and has now been re-allowed as a substitute for suhr. This right to collect dead leaves might also have been confined to the 2nd class protected, rich in dry leaves and mould.

Paragraph 186, *Appendix IX.*—Rules 2 and 3 are unnecessary.

Appendix XI.—The proposed rule should be under Section 51, not 45.

(Sd.) H. C. HILL.

Copy of a Note by the Hon'ble Colonel E. G. Wace, Financial Commissioner, Punjab.

I visited the Kulu Sub-Division of the Kangra District in October 1886, marching through it from its southern end on Outer Seoraj to its northern end at the source of the Beas. Mr. Anderson's Forest Settlement Report had at the time just been completed, and it was consequently placed in my hands without any review by the Commissioner. But he met me at Sultanpur, and I had in this way an opportunity of discussing it with him.

2. In now reporting this forest settlement for the final orders of Government, I feel constrained by the very complete nature of the previous discussions relating to this subject to confine my remarks mainly to the question whether the Settlement Officer has carried out adequately the instructions communicated to him for his guidance. These are expressed in the Punjab Government's No. 511, dated 28th November 1883. I consider that he has carried out his instructions most completely, and that his record for each forest contains an accurate account of existing usances. I proceed to make such brief remarks on the results for each class of forests as appear to be called for at the present stage of the work.

3. *Reserved Forests.*—These are described in Appendix I of the report, and in the English record of Reserved Forests, which is one of the enclosures to the report. I recommend that the reservation of the following areas be disallowed, and that these areas be classed as 1st class protected forests, *viz.* :—

Ilaka.	No. of Forest.	Name.	Approximate area in acres.
Kulu	5	Seta Dhag Shalin	350
	6	Jalor	300
Inner Seoraj	8	Daogi	60
Outer Seoraj	4	Margi Kalaun	60
	5	Ghanes Kalaun	30
	6	Jarono Kalaun	45
	7	Takrasi	480
Waziri Rupi	3	Gashan	10
	6	Bindraban	233
	8	Najan	200
	13	Bithukanda	40
	14	Gohi	50
	15	Raila	55
		Total acres ...	1,913

I have discussed each of these cases with the Forest Settlement Officer, and he concurs with my recommendations, of which I will briefly explain the reasons.

Séta Dhag Shalin and Jalor.—These are two pieces of forest situate high up the mountain slopes on opposite sides of the Beas near Jagatsukh. They are not valuable, and there is no strong reason for treating them differently from the adjacent 1st class forests.

On the other hand, I think they are so situated with reference to adjacent hamlets as to make too strict a measure of conservancy undesirable. They should not be reserved, but be classed as 1st class protected forest.

Daogi, 60 *acres*.—This is one of the class of cases to which the orders on the Dyar and Gohi Forests apply, and it is described in paragraph 36 of Mr. Anderson's report. I did not at all understand its merits until last autumn when my camp was pitched at the village itself. There is only one reason for the reservation, *viz.*, that deodar trees grow on the land. There is every other reason against its reservation. It is a small piece of land immediately adjoining one of the principal hamlets of the Bunga Kothi, and is the common resort of the villagers and their cattle. We gain nothing by putting our hands on a small area of this kind, and in doing so we inconvenience the villagers in their daily wants and recreations. There is a sufficiency of land in the vicinity suitable for growing deodar, and this little piece should be left free to the villagers, by whom it has always been enjoyed. It may be classed as 1st class protected forest.

See Government Punjab's No. 354, dated 21st August 1886.

Margi Kalaun, 60 *acres* ; *Ghanes Kalaun*, 30 *acres* ; *Jarono Kalaun*, 45 *acres*.—These are cases similar to the last, *viz.*, small detached areas adjoining cultivation, and for years past very closely connected with the daily agricultural life of the people. To reserve them will merely cause continual friction between our officials and the agriculturists ; and forest interests are not really concerned with these small detached areas. They should be classed in each case as 1st class protected forest.

Takrasi, 480 *acres*.—This is a larger area, but full of rights and much mixed up with cultivation. I think that to attempt to define rights strictly in an area of this kind is to depart from the principles laid down for the guidance of the Settlement Officer in Kulu. It should be treated like other similar areas in Kulu as 1st class protected forest.

Bindraban, 233 ; *Najan*, 200 ; *Bithukanda*, 40 ; *Gohi*, 50 ; *and Baila*, 55 *acres*, all in Waziri Rupi, are similar cases to those previously described. They are small areas adjoining old-standing cultivation, intimately mixed up with the daily agricultural life of the people ; but chosen for strict forest management owing to the accident of the presence of deodar growth. In all these cases I think the judicial balance has not been justly held. Our interest in the valuable deodar tree has been allowed to outweigh the undoubtedly close connection of the agriculturists with these small areas. They are no doubt choice bits, but their place in the forest resources of the country is small, and it is not right to place restrictions on the ancient free access of the villagers to them. I would not reserve them, but add them to the 1st class protected [forests.

Garhan, 10 *acres*, is a small detached area of box-wood trees, to which the same remarks apply.

4. The other reservations should, I think, be confirmed. They are not of an extent likely to have any material effect on the conveniences of the people, and the Settlement Officer has made sufficient provision for such rights as exist in them.

Punjab Government's No. 43 S., dated 14th June 1886.

5. *General conditions for Reserved Forests*.—The first condition relating to assessment of rights at future settlement is probably surplusage, but it may stand without objection. The second condition is proper and in accordance with usage. The third condition is unobjectionable as indicating that the Forest Settlement Officer took into consideration disabilities of sale ; but from other points of view it is surplusage, for it is provided for by the last sentence of Section 23 of the Forest Act. The fourth condition should be struck out. It may perhaps be the case that the right to a stated description of forest produce becomes extinct when the produce can no longer be found in the forest. But I think that to lay down broadly that Government is not bound to take any steps to ensure the continuous growth of such produce is to make an assertion which, though possibly correct, comes ill from a Government that professes to have for its chief aim the preservation of the utility of the forests. We should, I think, rather seek to preserve that utility in every way likely to promote local conveniences. The fifth condition, which purports to provide a ready rule for determining how many cattle may be grazed by each right-holder, is suitable. To the sixth condition no objection need be taken. It expresses the power inherent in the authorities under clause (*c*) of Section 14 of the Forest Act.

6. 1*st Class Protected Forests*.—I do not think any good purpose would at present be served by criticising in detail the results of these demarcations. I have no doubt whatever that the Settlement Officer has completely demarcated all forests properly falling under this description, and has prepared for each forest a most full record of current usances. The most pertinent question still remaining for decision is whether the general conditions which his record sets forth as in all cases applicable are such as Government should approve. For the most part these general conditions appear to me to be substantially a correct record of existing usage. But rules 5, 8, 9 and 11 are innovations which, I think, should not be sanctioned. The first half of rule 5 is an obvious proposition, which is really asserted in rule 2. It is re-asserted here in order to bring in an example, which is a departure from previous usage, and which would operate inequitably. The converse of what is here asserted is, I believe, the usage hitherto

Simla Divisional Office buildings cost Rs. 294, and the balance of the expenditure was on account of rest-houses and of quarters for the subordinate establishment. The amounts spent on new works and repairs were Rs. 20,154 and Rs. 8,067 respectively, as compared with Rs. 21,666 and Rs. 9,188 last year, small reductions instead of, as should have been the case, considerable increases. These works cannot be extended until the establishment has been improved and increased. With reference to the last sentence of paragraph 15 of last year's report it is so far satisfactory to note that during the year under report Rs. 15,634 were spent on the construction of houses for the subordinate establishment as compared with Rs. 4,788 in 1908-09, the expenditure on head-quarter and rest-houses having been correspondingly reduced. In the Rawalpindi Division the sanctioned programme for the first year (1909-10, financial) was carried out with one small exception; but owing to financial exigencies it has now been found necessary to postpone a part of the programme. For similar reasons the Bashahr programme is also in abeyance.

(*a*).—MISCELLANEOUS WORK.

16. The expenditure under this head was Rs. 2,430, as compared with Rs. 2,101 last year. Two timber seasoning sheds were built, one in Rawalpindi and the other in Bashahr, for storing timber for departmental use and for placing seasoned timber on the market. In Bashahr Rs. 246 were spent in preparing permanent camping grounds. The rest of the items require no special comment.

SECTION III.—PROTECTION OF FORESTS.

(*a*).—GENERAL PROTECTION.

Forest offences: Form No. 57 and Appendix I.

17. The total number of forest offences brought to light during the year was 7,379 as compared with 6,752 in 1908-09, an increase of 627, as compared with 390 and 1,151, the corresponding increases of the two preceding years. Fire cases numbered 175 as compared with 178 last year, and illicit fellings, &c., 3,219 as against 3,231; grazing cases showed an increase of 658, from 3,185 to 3,843, and other offences fell from 158 to 142. The real increase was, therefore, under grazing, and was markedly greater than the increases of the two previous years under this head, which were 406 and 388. In Rawalpindi there was an increase of 184 cases, due mostly to camel grazing offences; in Jhelum an increase of 403, in Lahore of 100, and in Montgomery of 163. It is probable that the main cause of the continued increase in the number of offences under this head is the increase in the number and value of cattle, which, combined with the curtailment of the waste lands, make it more worth the while of graziers to run the risk of detection when grazing their animals in prohibited areas. The outlook is unpromising, the more so since the preservation of the forests generally can only be ensured by the restriction of the grazing that has hitherto been practised.

Cases taken into court: Form No. 57.

18. The number of cases taken into court was 852 as compared with 804 in 1908-09. The courts disposed of 759 cases. Convictions were obtained in 638 cases, or a percentage of 84·05, as compared with 84·75 in 1908-09. The sentences inflicted on offenders are reported to have been adequate, except in Montgomery, where the Divisional Forest Officer complains of the insufficiency of the fines levied.

Cases compounded: Form No. 57.

19. The number of cases compounded rose from 5,793 to 6,355, an increase of 562; and the amount of compensation realized per case and per person was Rs. 3-13-8 and Rs. 2-8-10 respectively, compared with Rs. 3-6-10 and Rs. 2-5-0 last year. The increase was principally under the head of illicit grazing, as was to be expected seeing the extent to which grazing offences have increased. Kangra accounts for more than one-third the total number of cases compounded; and until the settlement is remodelled there is no chance of the number being reduced.

(*b*).—PROTECTION FROM FIRE.

Protective measures: Form No. 58.

20. The area over which special measures for fire protection were undertaken was 672,957 acres as compared with 611,479 acres in 1908-09. The total expenditure incurred was Rs. 6,702 as against Rs. 7,325 in 1908-09. Out

of this Rs. 4,893,or 72·23 per cent. was spent on fire watchers, and the balance on line-clearing and miscellaneous works. The proportion spent on watchers has increased by 5·42 over last year, showing that the policy indicated in paragraph 20 of last year's report is being followed.

Incendiarism on a big scale.

21. In Rawalpindi where the co-operation of village headmen had been sought by leaving in their hands the appointment of local fire-guards, the system is considered by the local officers to have failed at the very time it was most wanted, that is during an epidemic of incendiarism. The failure of this attempt to enlist the co-operation of village headmen is discouraging, and it is for consideration whether the system should be persevered with. Mr. Jerram thinks not, and it is understood the Deputy Commissioner agrees with him in this view. He points out that the outbreak of incendiarism was stopped partly by successful prosecutions, instituted without delay, partly by the immediate punishment of villagers who did not assist in putting out the fires, partly by the picketing of offending villages with special fire-guards and police constables, and partly by the personal influence of Mian Budhi Singh, Forest Ranger. It is probable that the final remedy to the existing state of affairs will be found in this last fact, and that the only effective means of teaching villagers the short-sightedness of their action will be by means of Indian officers who have sufficient personal and family influence to command the respect of the people.

Number of fires: Appendix II.

22. The total number of fires was 193 as against 197 last year; but the area burnt incresed from 11,820 to 19,347 acres. The increase was principally in the Rawalpindi, Kulu, Simla, and Montgomery Divisions. In the Murree-Kahuta forests in Rawalpindi there was a severe outbreak of incendiarism at the end of May, which was, however, stopped in good time by the prompt energetic action of Mr. Jerram, who was strongly supported by Mr. Kitchin, the Deputy Commissioner. Multan again shows a very large area burnt, for which no satisfactory explanation has been furnished, and Montgomery also appears in the list of divisions with heavy fires. The dryness of the season in these two divisions perhaps accounts to some extent for the damage done, but it is not improbable that the obtaining of young grass for cattle is the main cause. If so, this is a new departure in the history of the plains divisions. The Conservator will examine this question when touring in the two divisions next cold weather. In Kulu although the area burned was double that of the previous year, the protection afforded was very good considering the dryness of the season, and Mr. Parnell is to be congratulated on the way in which he and his staff have managed their protection. The dealing with fires lighted intentionally by means of punitive closures, which are enforced with much discrimination and care, seems to be producing good results in Kulu. Kangra had a fairly good season, possibly on account of the early rains and partly perhaps in consequence of recent punitive closures. The Conservator is pleased to be able to record that 85 per cent. of the area burnt was inspected by Divisional Forest Officers as compared with 80 per cent. similarly inspected last year, Mr. Fazal Din, Pandit Gokal Dass, Munshi Imam-ud-din and Babu J. N. Mukerji having visited the whole of the forests burnt.

Causes of fire: Appendices II and III.

23. The number of fires considered to have been caused intentionally was 36 as compared with 25 last year. Of these six were taken into Court, and in one conviction was obtained, while the rest were pending at the end of the year. Twenty cases of fires supposed to be due to carelessness were taken into, Court, in ten of which the accused were convicted, while the rest were pending at the close of the year. Appendix III shows the disposal of the cases pending from the previous year. The above results can hardly be considered satisfactory. The total number of fires supposed to have been due to the malice or the carelessness of individuals was 139, of which only 26 were brought into the Courts. Generally speaking the sentences inflicted seem to have been adequate, although a fine of eight annas inflicted in a Kulu case can hardly have had a deterrent effect.

(c).—Protection from Cattle.

Experiments.

24. Although results are not yet available concerning the experiments for ascertaining the grazing incidence permissible in hill forests,

progress was made at the Forest Conference, when a definite series of experiments was arranged. The next Conference will show what has been done, and it may be that some conclusions will be possible in spite of the lack of a special research officer. The urgent need there is for coming to some decision on this point without delay will be realized from the fact that the recent quinquennial census of cattle in the Kangra District shows that the total number of animals has increased from 943,474 to 1,368,618 in the last thirteen years.

Areas closed and open to grazing: Forms Nos. 59 and 60.

25. Out of a total area of 8,752 square miles 1,581 square miles were entirely or partially closed to grazing or 18·06 per cent. of the total as compared with 18·16 per cent. in 1908-09, a slight difference which requires no comment. Owing to local scarcity the forests of the Salt Range in the Shahpur Division were opened to lopping for the two months, May and June. The revenue from grazing was practically the same as last year, Rs. 45,362, as against Rs. 45,145. The number of animals impounded fell from 23,897 to 22,623 in the year under report. The average for the past three years is 29,455. The continued decline in the number of animals impounded is partly due in some of the plains divisions to the removal of restrictions in the case of forests which are shortly to be given up for cultivation; but in general it must be ascribed to the fact that it is generally more convenient to prosecute or to compound a grazing offence than to send the animals to pound which may be many miles distant from the forest, involving a great waste of the time of the forest subordinates together with the risk that the animals may be rescued by their owner before they reach the pound. Further, it is becoming more and more evident that, with the rise in the value of cattle, the pound fees are no deterrent to grazing offences in the forests.

(*d*).—PROTECTION AGAINST INJURIES FROM NATURAL CAUSES.

Fungus attacks.

26. In Simla under the directions of Pandit Gokal Dass, Extra Deputy Conservator of Forests, over 16,000 blue pine attacked by the *Trametes Pini* were felled and removed, their branch wood being destroyed, of which nearly 10,000 were given away, while the rest were burnt. All the attacked trees in the range, save 841, were dealt with, and these last are now being got rid of. All the blue pine trees attacked in the Simla Municipal forests were also removed, and an enumeration has been made of the trees attacked in some of the Native States with a view to future operations. Mr. Gibson found this disease in full activity in the Nogli and Pabar ranges of the Bashahr Division, and enumerated by size-classes the trees attacked with a view to studying the development of the disease. He found that trees of the 3rd class, *i.e.*, from 12″ to 18″ in diameter, were most subject to it, and he also found it to be most prevalent where the trees were most lopped by right-holders. His enquiries shewed that the people have known of this disease for many years past, and they told him that the trees attacked take many years to die; indeed they even said it did not kill them. Enquiries made by the Conservator tend to cast doubt on this statement, which may have been induced by the facts that (*a*) the people like these trees, because they yield torch-wood particularly rich in resin, and (*b*) they are therefore anxious that such trees should not be removed as has been done in the adjacent Simla forests. However that may be, it has been decided to take no more steps at present for removing the attacked trees, since the somewhat heroic measures adopted in the Simla Division will show before long whether it is possible to eradicate the fungus, while further observation of the areas enumerated over by Mr. Gibson will show whether the disesase is spreading to any marked extent, and also the time it takes to kill the trees. There seems to be little doubt that the disease spreads from the roots; at the same time Mr. Gibson's observations tend to show that it also is communicated through wounds in the stems: further observations are required on this point. Two deodar trees have been found in the Simla Division which on examination have been found to be attacked by the same fungus; this is a fact which causes the position to assume a much more serious aspect, and it is a matter of much regret that no Mycologist is available to give assistance to local officers in their enquiries. The same remark applies to the diseased deodar trees of Kulu, concerning which the Pusa and Lyallpur Agricultural Scientists have rendered such assistance as lay

within their power, but as to which no definite progress in identificatoin has been made. Divisional officers have not the knowledge to enable them to deal with such matters as these, nor can they spare the time required to enable them to make the detailed investigations necessary even when they have the assistance of Scientists who cannot visit the forests. Fortunately the deodar disease in Kulu appears not to be spreading. The fungus attack in the Dalhousie forests discovered by Mr. Stebbing was enquired into by Mr. Glover, Assistant Conservator of Forests, who was placed on special duty for the purpose. Happily it was found to be a case of a false alarm.

Insect pests.

27. Pandit Gokal Dass continued to deal energetically with the insect attack in the Simla Catchment Area forests, and in the neighbouring forests of the Koti State, having made numerous traps every two months throughout the spring to autumn months during the last two years. His report about the work is interesting, and, while showing that the insects are not increasing, makes it clear that for some years to come the traps cannot be discontinued. The *Buprestid* had disappeared from the forests in 1909, but again made its appearance in the spring of 1910, having probably come back from the neighbouring State forests in the favourable conditions of a dry winter. The *Longicorn* and *Scolytus* were never eradicated, though they are less numerous. There is a *Polygraphus* beetle in all the forests, its presence seeming to be favoured by the crowded, unthinned condition of so many crops; but although it requires watching, it is not likely to give much trouble.

General.

28. The loss of considerable areas of forests in the plains by erosion continues, and all that can be done is to fell and remove the outturn before it is washed away by the rivers and lost.

SECTION IV.—SYLVICULTURE.

(*a*).—Natural Reproduction.

General.

29. The sylvicultural revival referred to in paragraphs 30 and 31 of last year's report continues, and the result is apparent in the observations recorded by most Divisional Forest Officers in their reports, although there is less than would be the case were routine work less pressing. The burden of most of these is that grazing is too heavy for the sufficient reproduction of most species. In Kangra the Divisional Forest Officer notes that in some forests *Pinus longifolia* is being replaced by valueless deciduous species which are not browsed by cattle. In Rawalpindi *bands* have been made in the Kalachitta hills for retaining the soil and assisting natural reproduction, but the results, although said by the Forest Ranger to be promising, are not accepted as such by the Divisional Forest Officer until he has seen them. The enquiry into the ousting of deodar by spruce has not made any serious progress, although the sample plot started by the Conservator in 1908 is being experimented on; without a local Research Officer little can be expected, especially since the meeting of the Board of Forestry last March has shewn that the Imperial Research Institute can give little, if any, assistance to the Punjab. Proposals in this connection will be made when the reorganization scheme, now returned by the Secretary of State, is resubmitted.

(*b*).—Artificial Reproduction.

Plantations and cultural operations. Form No. 61.

30. An area of 650 acres of the Kot Lakhpat Reserve in the Lahore Division has this year been entered as "plantation," this area having been cleared for the purpose in 1908-09, and the digging of the watercourses begun by the Canal Department. This latter work however did not progress fast enough to enable the sowings to be started during the year under report. Rs. 630 were paid to the Canal Department during the year on account of work done by them.

31. The total area under cultural operations at the close of the year was 3,705 acres as compared with 5,312 acres at the commencement. The area added during the year was 140 acres, while 1,747 acres were excluded, the latter

29. *Lopping of pines and collection of pine needles.—Paragraphs* 150 *to* 155.—This was a difficult subject to deal with; and as the Settlement Officer has varied his arrangements according to the circumstances of each locality, I recommend that they be confirmed. I invite attention to the remarks on this subject in paragraphs 15 and 16 of the Forest Report.

30. *Other minor rights.—Paragraphs* 156 *to* 163.—All the Settlement Officer's arrangements in this respect may be approved.

31. *Connection of the Land Revenue Settlement with Forest rights.—Paragraphs* 164 *to* 170.—I invite attention to the statement on this subject made in the Settlement Officer's paragraph 166:—"The separate assessment of the land on its own merits as if no forest rights existed, however easy it may appear theoretically, will probably be found practically impossible. Without the forest rights the people could not exist in such a country and the land could not be cultivated. They must have houses suitable to the climate. They must lay in a stock of fodder for winter use. They must keep sheep to provide wool for clothing and to assist in manuring their fields. It may be said that they should pay for all these things, but in that case the profits of cultivation would probably be entirely swallowed up."

These remarks are well founded, and the attempt to assess separately the profits of cultivation and forest privileges would certainly be resisted by the agriculturists on the grounds thus stated. Whether in the revision of assessment now about to be commenced, some *via media* may not be found, by following which some small charges for major items of forest use may not be usefully imposed, is a question which deserves consideration. I hope, however, that it will be approached with prudence, and with a sufficient acknowledgment of the difficulty and hesitation with which it will be met by the people.

32. *Taxing of the Gaddi flocks and sheep-grazing.—Paragraphs* 168 *and* 172—178.—This is a difficult question, which will be more conveniently dealt with in the re-assessment operations now commencing. The provisions relating to the passage of the Gaddi flocks through Kulu, to and fro between Lahoul and the lower hills, appear to have been framed by the Settlement Officer with regard to the interests equally of the shepherds and the residents of Kulu. But the passage of these flocks through Kulu in the spring and again in the fall of each year will need the careful attention of the Revenue and Forest officials. And I trust that the arrangements made will always be carried out in a considerate spirit, and that the Government's desire to afford due encouragement and protection to this valuable grazing industry will be duly borne in mind.

33. In conclusion, I trust that Mr. Anderson's work will receive the commendation that is due to the great labour which it has cost him, and to the patient and fair spirit in which it has been conducted. He has completed his work in strict accordance with the orders received under difficulties, the gravity of which only those who have themselves, as I have, been much engaged in forest settlement operations will fully appreciate.

34. I recommend the settlement to the sanction of Government, because it is in agreement with the instructions from time to time conveyed to the Settlement Officer. It would be impossible for Government now to reconsider in any material way what has been done. That the result will be other than in some important respects a burden to the local population, and a source of anxiety to our administration, would, I think, be a sanguine anticipation. We have, I fear, done more than was prudent or necessary in the way of definition and restriction; but careful administration will, I trust, allay the anxieties we have undoubtedly aroused, and ultimately bring good out of this very arduous undertaking: provided always that we deal tenderly with rights which in my judgment have been defined with strictness, and in respect of which the local population justly entertain very strong feelings.

Note on the Kulu Forest Settlement Report by Colonel GORDON YOUNG, Commissioner and Superintendent, Jullundur Division.

Preliminary remarks as to value of Mr. Anderson's report and the pains taken by that officer in its preparation.

THE Financial Commissioner has allowed me to see his note on the Kulu Forest Report before submitting it to Government, and invited any remarks I may have to offer on it. Though it is extremely unlikely that, following Colonel Wace, I can make any suggestion likely to be of much value, I am glad of the opportunity at least of adding my testimony to the pains bestowed by Mr. Anderson on the difficult task set before him in making the settlement of the forests now reported, and the success attained. Mr. Anderson brought much patience, energy and perseverance to bear on his work, and the record of rights has been prepared with extraordinary care and in complete accordance with the working instructions given him from time to time; while the report itself is full of exceedingly valuable matter, the result of daily intimate personal relations with the people and careful consideration of their wants. The only question is, if there has not been some over-elaboration in the attempt to record every conceivable right, and to provide for every possible contingency in the future.

Forests classed as Reserves.

2. In the first chapter of his report Mr. Anderson has explained how it was found impossible to demarcate as Reserved Forests as large an area as it was at one time hoped would have been secured; but I think he and Mr. Gisbourne Smith working together exercised a sound discretion in the selection of the several forests to be classed as Reserves,

and have gone as far as it was prudently possible to go, with regard to the claims of the surrounding villages, in deciding which should be thus treated and which put into the 1st class of Protected Forests.

Special areas constituted Reserves under Chapter II.

3. In paragraph 16 Mr. Anderson explains the objections to making a record as contemplated in Chapter II of the Act, and shows how much more suitable it was found to apply the less stringent provisions of Chapter IV. It is not necessary to enter upon a discussion of the controversy that prevailed for long between the Local Government and the Government of India, in the Forest Department, on this point, but suffices to say that the outcome was that only such small and special areas as might be agreed upon by the Forest Department and the Civil authorities were to be constituted Reserves under Chapter II, the remaining forests being treated under Chapter IV.

Mr. Anderson classed 45 small forests as Reserves, *viz.* :—

11 In Kulu Proper,

9 „ Inner Seoraj,

7 „ Outer Seoraj,

18 „ Waziri Rupi,

with an area of 39,779 acres.

The Financial Commissioner proposes to cut out—

2 in Kulu,

1 „ Inner Seoraj,

4 „ Outer Seoraj, and

6 „ Waziri Rupi,

aggregating 1,913 acres, leaving 32 forests with an area of 37, 866 acres, to which alone the provisions of Chapter II will be applicable.

Opinion as to forests excluded by the Financial Commissioner from those classed as Reserved Forests.

4. As these forests have been personally inspected by the Financial Commissioner and have been shown to be areas in which the daily interests of the people are inevitably mixed up, I have no doubt they should be excluded from the Reserves and made 1st class Protected Forests under Chapter IV. For authorities who have had any experience of Kulu are agreed that the hard and fast provisions of Chapter II are eminently unsuited to the people and are likely in practice to lead to much oppression in working, and in this view, the smaller the area subjected to the provisions of Chapter II, the better for the well-being of the people ; while it is probable that for all practical purposes the less stringent arrangements under Chapter IV will prove equally effective in the interests of conserving and reproduction.

Reserved Forests.

5. I have no remarks to make on the modification of the general conditions for Reserved Forests proposed by the Financial Commissioner, though I must admit that it would not have occurred to me to take exception to Rule 4.

1st class Protected Forests.

6. With reference to the general conditions to *1st class Protected Forests,* the Financial Commissioner has taken objection to Nos. 5, 8, 9 and 11. With reference to the 5th condition, I believe this was inserted to prevent the abuse of the right to timber free, or at zamindari rates by European settlers, who, although the original proprietor of a holding might be fully provided in the matter of house accommodation, on purchase of small portion of a holding, might prefer a further claim to timber for building purposes, unless some such condition were attached. It is, however, so important that *bonâ fide* native land-owners should be able to get their legitimate wants supplied, that it seems undesirable to introduce the condition merely to meet a few cases of the sort indicated ; and the idea of making the Forest Officer the arbiter as to whether a man required a new house or not appears preposterous and directly restrictive of the desirable end that every one should be as comfortably housed as his means might allow. I do not myself think that condition 8 is objectionable, and shall be much surprised if the Financial Commissioner is correct in supposing that the right to purchase deodar is one that has always been claimable. The condition proposed is only that deodar cannot be *claimed.* Of course it can be, and often has been and would be, given on payment.

Rule 9 might be modfied by addition of the words " except with permission of the Forest Officer for the repair of the temple and when no dry timber is available ", or some such words, but it appears to me to be a good rule and one likely to be generally acceptable, rather than the reverse, to the people themselves.

I agree in the reasons given for wishing to eliminate the 11th condition.

7. The view taken of the general conditions in the case of these less valuable forests is naturally the same as has been expressed in speaking of similar rules as applied to 1st class Protected. I observe that the last condition, promising a share in the sale proceeds to the officials of the "Kothi," is objected to by Colonel Wace as out of place; but there is perhaps something to be said for its being placed here in juxtaposition with the restrictive provisions of the rules as likely to be thus prominently brought to notice of the people concerned, in direct connection with the limits put on their rights.

2nd class Protected Forests.

8. The remarks offered by the Financial Commissioner on the record proposed for Undemarcated Forests naturally follow those already noted in respect of the three or four conditions found objectionable in speaking of 1st and 2nd class Protected Forests, only that they apply *a fortiori* in the case of the waste outside the demarcated areas, but the remarks in paragraph 9 are of very wide effect and of great importance. They go at once to the root of the whole argument on which these waste lands have been classed as forests at all and subvert it. Colonel Wace does not disguise the necessity of prescribing by law measures for proper protection and conservancy, but he argues that the necessity of the circumstances should justify the interference and not the assertion of proprietary rights of Government, which, when interpreted in a strictly legal sense, may, he fears, clash with the undoubted rights of the people, who have from time immemorial used these lands, and whose very existence depends on their being enabled to exercise these rights in the freest possible manner. These remarks will receive the fullest consideration of Government, and it would be out of place if I were to attempt to assail them, even if so disposed; but since I have read them, I do not hesitate to say that they have my entire concurrence, and that I esteem it a very fortunate thing for the peace and prosperity and well-being of the people that they have found an advocate in the Financial Commissioner to champion their cause.

Undemarcated Forests.

9. It must be admitted that of late there have been unmistakable signs that the restrictions and limitations, with which forest procedure seeks to hedge round the rights of the people in the undemarcated forests, are producing considerable hardships and dissatisfaction; and any measures which can be arranged which shall cure this and ensure to the poeple all that is at once necessary and customary in the way of forest supplies and produce, while at the same time conserving what is proper to conserve, and asserting the right of Government to interfere for this end, will deserve the support of Government in my opinion. I must leave it to Colonel Wace, however, to suggest a means of bridging over the interregnum likely to occur between the abolition of the old rules hitherto in force, by the sanction to be now accorded to this report, and the time that must elapse before legislation can be expected to be perfected for securing the end desired.

Remarks as to the respective rights of the people and of the Government, and the necessity for satisfactory measures for protecting such.

10. As there is a consensus of opinion on the part of the Forest Officer, the Forest Settlement Officer and the Financial Commissioner as to the desirability of eliminating eight sorts of trees from the list of trees proposed to be reserved in the protected forests, I presume this modification will be accepted: as to the alder or "kosh" all that there is to be said has been said in the Financial Commissioner's note on both sides; but if I am asked, I should say that, with the somewhat large concessions we are now making in the interests of the people, we may appropriately deny to them the right of exterminating this highly ornamental tree, in the interests of natural scenery.

As to trees to be eliminated.

11. The rules to be issued under Section 31 of the Forest Act, with three exceptions, *viz.*, paragraphs 2, 3 and 4 as being surplusage, have been agreed to by the Financial Commissioner, and I have no remarks to make beyond noting that I hope rule 8 will not interfere with the leave it is intended to grant to the burning of grass lands, not situated so as to endanger the forests, on simple application to the Negi, or even without leave when once recorded as *safe*.

As to the rules to be issued under Section 31 of the Forest Act.

12. Colonel Wace proposes to make a present to the land-owners of all the trees standing in their fields without distinction. This is a proposal which the Financial Commissioner is in a position to make, but which could hardly have been made by the Forest Settlement Officer, who has attempted to preserve the existing tradition with regard to deodar and the more valuable trees; but if Colonel Wace's liberal proposals are accepted, I shall be glad, and have no doubt the indulgence will go far to reconciling the people to the restrictions put upon them in other respects.

As to preservation of trees standing in the zamindars' fields.

13. The subject of buffalo-grazing is a difficult one (*vide* Colonel Wace's paragraph 24). There are a few Gujars near Bajaura who always bring up the subject when I am in the neighbourhood and point to flat grassy plains near at hand, in which no possible damage can be worked by buffaloes, nor to any forests, if they are confined to such localities; and I should have supposed that it would have been easy enough to exclude these

Buffalo-grazing.

beasts from the forests, so that my recommendation would have been to admit them *under restrictions*; but I do not ask that this shall be done now, as there are but few, and no doubt t is not desirable that there should be any encouragement to increase their number.

Charge to zamindars for deodar, and the grant of timber for purposes of house building.

14. I am of opinion that a rate of Rs. 3 per tree for deodar is not too much to impose, and that it is distinctly desirable that such charge should be made to zamindars. Colonel Wace's recent instructions regulating the procedure for granting trees provide for the liberal grants of timber for purposes of house building, without reference to the condition it was sought to impose in the Forest Settlement Officer's rules, and reiterated forcibly in paragraph 134, that the necessity for a new house must be established before a grant is made; and if these instructions are carefully followed, as it is intended they shall be, I think there will be no room left for reasonable complaint that facilities are wanting for the ready supply of these requirements.

Terms in the matter of prices to be charged to roadside shop-keepers.

15. With reference to Mr. Anderson's paragraph 144 and Colonel Wace's 26, if it is intended that roadside shop-keepers are to receive more favourable terms in the matter of prices, I think the scale at which these favours are to be granted should be expressed. I would suggest that such persons might be granted trees at half the rates of paragraph 144 for a shop on a public road.

As to the right to cut grass in spite of closing.

16. I understand the remarks of paragraph 148, regarding grass lands included in forest demarcation, to mean that, where there are proprietary "phats" thus included, the right to cut the grass will remain in spite of closing.

Taxation of Gaddi flocks and sheep-grazing, &c.

17. I do not attempt to touch on the taxation of Gaddi flocks and sheep-grazing, or of the possiblity of putting a tax on any of the forest privileges now enjoyed without payment, distinct from the revenue assessment, as I understand that these points will receive further separate consideration during the settlement about to be started.

Notes on Mr. Anderson's Kulu Settlement Report by Lieutenant-Colonel BAILEY, R. E., Conservator of Forests, Punjab.

AT this stage of the question it would, I consider, be out of place were I to enter on a discussion as to the comparative merits of Chapters II and IV of the Forest Act as applicable to Kulu. I will therefore content myself with remarking that I think the use of the term "Reserved" in Chapter II has had an unfortunate result, as it has apparently conveyed to some minds the idea that, when a forest is reserved under it, that forest is thereby destined for the "nursing of gigantic trees," and is no longer available for the current use of the people. To maintain forests on which the population at large depend for their daily needs is certainly as essential a part of forest conservancy as to maintain forests the produce of which is destined for export; but the question is whether Chapter IV of the Act contains sufficient provisions to ensure this end. Mr. Anderson says (paragraph 18) that it is now admitted that "Protected Forests" may be permanently maintained as such. It cannot possibly be disputed, I think, that in law this is so; but the law is powerless to lay down that the provisions of the chapter relating to Protected Forests will suffice to maintain areas dealt with under it in such a condition that they will be able permanently to satisfy the purposes for which their maintenance as forests is desired, and this is the only question of importance.

In the present, as in most other cases, the purposes are—

1st—The supply of the numerous requirements of the resident population.

2nd—The provision of produce for export, to meet the requirements of the State and of persons residing elsewhere than in Kulu.

There can, I think, be no doubt that in Kulu some arrangement is possible under which, while the first of these purposes is fully satisfied, a very considerable amount of deodar timber can be made available for the second purpose.

2. I gather that the total area of Kulu amounts to 1,926 square miles, and that the demarcation has had the following result:—

		Square miles.	
Cultivation	... ...	75	75
Demarcated	Reserved Forest	$62\frac{1}{4}$	
	Protected Forest, 1st Class	$115\frac{3}{4}$	
	Ditto 2nd „ wooded ...	352	
	Ditto „ „ bare ...	$709\frac{3}{4}$	
			$1,239\frac{3}{4}$
Undemarcated	Protected Forests and waste lands, low ...	395	
	Ditto ditto, high ...	$216\frac{1}{4}$	
			$611\frac{1}{4}$
	Total ...		1,926

About 1,000 square miles are said to lie below the limits of arborescent vegetation, and consequently 926* square miles are above that level. They consist of grass land and snow and, except so far as they suffice as grazing grounds during a part of the year, they may be left out of the calculation.

* Protected Forests, 2nd Class, bare ...	$709\frac{3}{4}$
Protected Forests, undemarcated, high ...	$216\frac{1}{4}$
Total ...	926

Within the limits of arborescent vegetation we have then—

		Square miles.	
	Cultivation	$75 = 7\frac{1}{2}$	per cent.
	Reserved Forest	$62\frac{1}{4} = 6$	do.
Demarcated ...	Protected Forest, 1st Class	$115\frac{3}{4} = 11\frac{1}{3}$	do.
	Ditto 2nd "	352 = 35	do.
	Ditto undemarcated	395 = 40	do.
	Total	1,000	

3. Of the demarcated Protected Forests of the 1st and 2nd classes the record is admittedly (paragraph 85 of the report) not final except in Rupi; that is to say, it is not final in $61\frac{3}{4}$ square miles of 1st class and in 237 square miles of 2nd class Protected Forests. I agree with Mr. Hill in his opinion that the attempt made to prevent the increase of rights in forests of this class (see paragraphs 45 to 48 of the report) will not prove effectual (see also the Financial Commissioner's objection to general condition No. 5 for Protected Forests and my remarks thereon in paragraph 11).

4. As regards the undemarcated tracts, amounting to 395 square miles, which Mr. Anderson proposes to bring under Chapter IV of the Act, the Financial Commissioner† urges that this course should not be followed, and I gather that he desires to deal with these tracts under a new law which has been proposed by Government. Whether this method of dealing with the undemarcated forest and waste land could be viewed with approval by the Forest Department depends so entirely on what the provisions of the law, when enacted, turn out to be, that I shall not discuss the matter here; but I observe that Colonel Wace bases his objection to Chapter IV chiefly on the ground that the restrictions which would be imposed under it would be largely imposed in "our own interests" (by which I presume he means with a view to obtaining revenue to pay for the general administration of the country), and would be adverse to the claims and interests of the "anciently established agricultural population." I am not prepared to admit that this would be so, and for this reason, *viz.*, that, looking at the position of these areas, and at the number of rights they are called upon to supply, I do not think that the State could ever hope to obtain anything from them for export. All that they can do is to provide permanently (if this can by any means be secured) for a certain part of the wants of the people; and if the officers of the Forest Department desire to see them protected in a manner sufficient to attain this end, they do so primarily in the interests of the people themselves, and only indirectly with another object, which is, of course, that it may never come about that these areas, having been rendered incapable of further satisfying the rights now exercised in them, the demarcated forest must be drawn upon. These latter forests, being further from the dwellings of the people, would at the same time be found less convenient by the rights-holders. This I contend, is a legitimate desire from all points of view. If the day ever comes, which I venture to predict is no unlikely event, when for want of timely restrictions, which are unavoidably distasteful to, and even hard on, the present generation, these areas become denuded to any serious extent, it will be an evil day for the population of the valley; and I trust that when Government passes final orders on the settlement, full weight will be given to this consideration.

† His paragraphs 9—13.

5. *Reserved Forests.*—The area proposed by Mr. Anderson (39,779 acres) the Financial Commissioner proposes to reduce by 1,913 acres, or about 3 square miles. In the absence of sufficient local knowledge, I am not prepared to strongly urge the maintenance of the original proposals.

Mr. Anderson appears to have concurred in Colonel Wace's present recommendation, but I note that, in his paragraph 29, he says that "the small forests, though surrounded by cultivation and incapable of extension, are patches near villages" from which rights could be almost entirely excluded in consequence of the existence of other conveniently situated waste.

6. In his paragraph 31 Mr. Anderson sets forth the extent to which grazing rights have been admitted in the reserves. I cannot agreee that the natural reproduction of an area of 43 square miles is absolutely secured under this arrangement. Natural reproduction is difficult enough to secure even when grazing is entirely prohibited, as it is from 27 square miles only. The kine admitted to $3\frac{1}{2}$ square miles may not do much damage, but that done by the sheep and goats admitted to $12\frac{1}{2}$ square miles "for two months or less" may be serious.

I very much regret that it has not been found possible to exclude these animals entirely from a larger area than 30½ square miles, or less than one-half of the reserves, and I am very much surprised to learn that it is not possible to do more in this direction, considering the very small proportion of the total area of the valley that the reserves represent. I trust that it may be found possible to revise the record in this respect.

7. I am unable to understand (see paragraph 35 of the report) why it has been thought necessary to state the area "closed in the reserved forests for cultural operations," or why the area is so small as 564 acres. It is stated (paragraph 31) that there are no rights, of any sort in 10,254 acres (or 16 square miles), and I suppose that this area is closed, or may be closed, at the discretion of the Forest Department, which is only another way of expressing that there are no rights in it. I find also that in a further area of 7,132 acres (or 11 square miles) there are no grazing rights, and I presume that this area also may be closed for reproduction. "Closing" in most cases means simply closing against grazing. When a forest is so closed, there is usually no objection to its being used for other purposes; and it is by no means the desire of the Forest Department to prevent its being so used when this can be done without risk from fire.

8. In his paragraph 36 the Forest Settlement Officer quotes page 123, Mr. Baden-Powell's Manual of Jurisprudence, to the effect that, in the case of an aggregate of claims, a ratable curtailment might be so serious as to be a real infraction of the right itself. But Mr. Baden-Powell goes on to say that, should this be the case, "the forest cannot be ruined, and compensation must be paid and the right got rid of."

If it be said that in Kulu compensation is of no use to the people, I would reply that neither is it of any use to them to allow the ruin of the forest to bring about the natural extinction of the right.

9. *General conditions for Reserved Forests.—1st condition.*—I think this useful, as it brings the fact prominently before the minds of the people from the beginning.

3rd condition.— Ditto.

4th condition.—I agree with the principle expressed by the Financial Commissioner at the end of his remarks on this subject. But every possible arrangement should, at the same time, be made to meet rights in such a manner that their exercise may reduce, as little as possible, the surplus produce at the disposal of the State. Hence rights which in their very nature are injurious to forest growth of all kinds should be exercised in an economical manner, or as to do as little harm as possible.

6th condition.—See my remarks on the 1st condition. This condition has, of course no application in forests which are free of rights.

10. *Protected Forests, 1st Class.*—If the Financial Commissioner's recommendation to reduce the area of reserved forests be accepted, the area of forests of this class will be increased by about 3 square miles. I agree with Mr. Hill's remarks on paragraph 38 of the report regarding the nomenclature of the forests. I also regret very much that it was not found possible to exclude goat-grazing and the lopping of pines from forests of this class.

11. *General condition for 1st Class Protected Forests—5th condition.*—There can be no doubt, I think, that the condition correctly states the law, and that such purchasers of land could be legally compelled to buy wood they require at market rates (which as a matter of course they would always be allowed to do); but I have no particular objection to urge against the view taken by the Financial Commissioner. I agree with the Commissioner that the object of this condition probably was to prevent a small plot of land being bought by a European settler, and then a claim being made to receive timber at privilege rates to build a large house in the European style. Such settlers can of course always buy any amount of wood of the kind they require at market rates. I would like to say that, in the case supposed by the condition, the claim cannot be for more wood than is required to build an ordinary native house according to the custom of the valley. It would rest with the Assistant Commissioner to decide what such a house is. When the Commissioner says that "the idea of making the Forest Officer the arbiter as to whether a man required a new house or not," he has apparently forgotten that, under the provisions of Financial Commissioner's Circular No. 42 of 1885, a Forest Officer would never be the arbiter in such a question.

8th condition.—We are, I think, only talking of what can be claimed as a right; that is, in this case a right to obtain deodar wood at privilege rates. There is nothing whatever to prevent any one who requires it from purchasing at the market rates. The Commissioner doubts whether the right to purchase deodar at privilege rates has always been claimable. I think the condition should be retained.

9th condition—I think the Commissioner's amendment should be adopted.

11th condition.—It is, I contend, highly important to retain this condition. The difficulty of obtaining a conviction against any individual in a case of forest fires is too well known to require to be stated. The forests are under the Rules of 1855, which provide for

joint responsibility (see the Forest Settlement Officer's paragraphs 69 and 70). I lay great stress on the retention of this condition, without which the provisions of Chapter IV will certainly prove ineffectual for the preservation of the forests.

12. With reference to Mr. Anderson's remarks in his paragraph 50, I think it must not be too readily assumed that grazing does but little damage. Whether it does little or much damage depends on several conditions, among which the principal are the following, *viz.* :—

The kind of animals.
The number of animals.
The kind of crop.
The condition of the crop.
The season of the year.
The nature of the soil.

I do not know any condition in which irregular forests, such as these of Kulu, can be in which goats do not do serious injury to them. I venture to think that Mr. Lyall's observation, which the Forest Settlement Officer refers to, admits of the following explanation, *viz.*, where the conditions are favorable (*e.g.*, few animals of a kind that do comparatively little harm) more or less young growth will very probably be found on the ground ; whereas, if a deodar forest is closed, and for several years subsequently no seed, or a very light crop of seed is produced, a matting of leaves and twigs is found over the ground, and then, when seed falls and germinates, the young plants die off, because their rootlets cannot reach the soil. In such an exceptional case there may be more very young growth on a grazed than on a closed area ; and I have myself seen an instance of this at Manáli. But a skilful Forest Officer will either defer the closing until he sees a prospect of a good fall of seed, or he will take measures to give the seed a chance by breaking up the matting which interferes with the success of the young seedlings.

13. I agree with Mr. Hill in his suggestion that, with reference to paragraph 51 of the report, the record should be that two-thirds of the forest must be left open. I do not however, find this stated in the conditions.

14. *Protected Forests, 2nd Class.—4th condition.*—I do not quite understand why, the Financial Commissioner objects to this. It corresponds to No. 4 for the 1st class protected forests which he passed. I think that it should be retained.

5th condition.—See my remarks on the 5th condition for 1st class protected forests (paragraph 11). In the last clause it appears that "within" should be substituted for "without."

11th condition.—See my remarks on the 11th condition for 1st class protected forests (paragraph 11).

13th condition.—I agree with the Financial Commissioner.

15. *Undemarcated Protected Forests.*—See Forest Settlement Officer's paragraph 61. The remarks in the preceding paragraph apply. But if grass lands may be burned, due precaution should be taken by those who ignite them, and they should be held responsible that the flames do not spread to areas which may not be burned. It appears to be intended to secure this (report, paragraph 63) ; and the executive instructions recently issued by the Financial Commissioner also provide for this.

16. *Protected Forests generally.*—Report, paragraph 67. Applications should ordinarily be made at specified times, after fixed intervals, otherwise they could not be dealt with. Mr. Hill suggests that they should be made every five years. I would not object, if this be thought necessary, to reduce the interval to, say, three years. I agree with Mr. Hill in his remarks regarding the granting of trees, first, from undemarcated land ; 2ndly, from 2nd class protected forests; 3rdly, from 1st class protected forests ; 4thly, from reserves ; and that the scale of charges should be such as to make this arrangement acceptable to the people.

17. *Chapter V.—General Account of Forest Rights.*—Paragraph 129. I do not consider that the State is bound to supply timber for use in a wasteful manner, so that a very much larger quantity is consumed than would be required, were better measures for its conversion adopted. I think the use of the saw should be gradually introduced, and that a premium might be offered on its use, in the way of occasional free grants and other concessions. This has been done to a great extent in Jaunsar Bawar. It is of course much better for the people to use the saw, and every inducement should be offered to get them to give up their present barbarous practices. But the change cannot be effected suddenly.

18. *Paragraph* 130.—I agree with Mr. Anderson's remarks regarding the large land-owners who build a separate house for each of their wives. I have no desire to interfere in any way with the practice, but I think that if they are rich enough to do this, they may well be called upon to pay for the wood at market rates.

19. *Paragraphs* 131 *to* 145.—*Free grants of timber to agriculturists.*—I think too little consideration is given to the fact that the question is never one of supply or non-supply, but that it is one of supply at privilege or at market rates. I hold that if a man becomes rich and prosperous enough to erect additional houses, or to greatly improve his style of dwelling, he may reasonably be called upon to pay at market rates, and thus contribute, in a more substantial degree than he would otherwise do, to the maintenance of the forests from which his supplies are drawn (see my paragraph 28). I am ready to give everything that can possibly be wanted for temples.

20. *Paragraph* 148.—*Shop-keepers on roads.*—I have no objection to the Commissioner's proposal that they should be charged at half the rates mentioned in paragraph 144.

21. *Paragraph* 148.—*Fodder grass.*—I write subject to correction after further inquiry, but my present view is that (speaking generally), provided we can prevent the grass-cutters from carelessly setting fire to the forest, there is no objection to cutting in parts of a closed forest where the seedlings are not of a size which renders them liable to be cut with the grass. In almost every forest there are places where grass may be cut without injury. But we should certainly have power to stop it where this is absolutely necessary in order to secure regeneration. It is sometimes desirable to keep the grass standing on hot southern slopes, in order to protect the young seedlings from the fierce heat of the sun; but, owing to the undulations of the ground and the varying conditions of the young crop, it will, I think, seldom be necessary to stop grass-cutting over extensive continuous areas. I lay stress on the necessity to retain the power here asked for.

22. *Paragraphs* 150 *to* 153.—*Lopping.*—This is a most injurious practice as regards pines; and, as I have mentioned in paragraph 10, I regret very much that it has not been, found possible to prevent it in 1st class protected forests. This practice is not considered necessary in other places. I quote from the proceedings of a Committee assembled last summer at Simla, consisting of the Commissioner of Delhi, the Superintendent of Hill States and myself: "The lopping of pines and cedars which are destined to grow up for conversion into timber is a most injurious practice, for not only is their growth checked, and in cases of excessive lopping almost entirely stopped, while the wood becomes knotty and valueless for use as planks or scantlings, but as these species do not coppice, when young trees are cut down they are entirely killed and are not succeeded by coppice shoots. Nor is the practice necessary for the convenience of the agriculturists, as is proved by the existence of extensive tracts where pines do not grow or have disappeared, and where the agriculturist's purposes are better served by the use of grass and weeds as litter and manure."

23. *Paragraphs* 164 *to* 170.—*Connection of the Land Revenue Settlement with forest rights.*—I concur with the remarks made by the Financial Commissioner on this subject. If it were considered desirable to do this, nothing would be easier than to credit to the Forest Department a certain proportion of the land revenue, which is admittedly only payable in consequence of the free use made of the forests by the people. The Department has to pay for the maintenance of the forests for their use. To accomplish this there is no necessity to ask for two payments from the inhabitants. I am quite of opinion that the people may, in the revision of assessment, be asked to pay in the manner suggested for consideration by the Financial Commissioner. To principle should be that the necessities of life are given free, and that luxuries are paid for (see paragraph 28).

24. *Paragraph* 171.—*Gaddis.*—I trust that this subject will receive very full consideration during the re-assessment operations. I invite attention to the manner in which the rights in Lahoul were "created," and to the manner in which the Gaddis have for some years been attempting "to get a hold on the Kulu forests;" also to the Forest Settlement Officer's statement that their "utmost right there is a right of way." I trust that nothing more will be conceded to them, as their remaining in the valley renders forest conservancy extremely difficult.

25. *Appendix V.*—*Reserved trees.*—I agree with the Commissioner that the alder should be reserved.

26. *Appendix VIII and paragraph* 185.—I doubt the sufficiency of these closings. I understand that we are to have powers to close up to a maximum of one-third of the entire area, *i. e.*, up to 26,325 acres in the 1st class, and up to 729,720 acres in the 2nd class (wooded) protected forests. I do not suggest that it is necessary at once to close up to the maximum, or nearly up to it; but 767 acres seems a very small area to begin with, and I think it might be possible, as I should say it must certainly be advisable, to close a considerably larger area.

27. *Appendix IX and paragraph* 186.—*Rule No.* 2.—This is unnecessary. Financial Commissioner's Circular No. 42 provides for the management.

Rule No. 3.—I agree with the Financial Commissioner that this should disappear.

Rule No. 4.—It is, I think, rather useful to remind people of this.

Rule No. 8.—With reference to the Commissioner's remark, I beg to refer to what I have said in paragraphs 11, 14 and 15 on the subjects of fires and burning. The recent executive instructions of the Financial Commissioner provide for how this matter is to be arranged.

28. *Appendix X and paragraphs* 189 *to* 194.—The Financial Commissioner here proposes to make a very considerable concession to the pepole, over and above what custom entitles them to. As the Commissioner says, it is a proposal which the Forest Settlement Officer, whose duty it has been to preserve the existing tradition with regard to deodar and the more valuable trees, could hardly have ventured to make. The Commissioner considers that if the Financial Commissioner's "liberal proposals" are accepted, the indulgence will go far to reconciling the people to the restrictions put upon them in other respects. I certainly hope so, for I think there can be no doubt that they have no claim to this concession. If it be made, this should be considered to form a strong reason why people who are rich and prosperous enough to improve their style of living and build additional and improved houses should pay for the timber they require for this purpose at its market value (see my paragraphs 19 and 23).

29. *Appendix XI and paragraph* 195.—I have no objection to adopt the North-Western Provinces limit of girth and length instead of that given in the rule.

Deodar was doubtless excepted in order to protect sleepers, which might otherwise be carried off. I should be glad to act liberally in this matter if I can protect the sleepers; but it is not by any means easy to do so, and I am afraid permission must be asked. The Financial Commissioner seems to have understood the rule to apply only to timber which has not been cut up. This is not so. The rule says "not cut up on the banks of the river or side stream." If this rule were somewhat abused in the case of other kinds of wood, this would not perhaps cause much loss; but it is otherwise in the case of deodar. The sawn pieces (sleepers) are very tempting to the villager, the marks are not very difficult to obliterate, and it is very hard to prove where sawn wood was cut up; besides which, all our sleepers are probably "not cut up on the banks of the river or side-stream," but are cut up elsewhere. I am afraid that, if we allow people to take deodar without permission, we shall be unable to maintain the needful control over our sleepers.

30. In paragraph 21 of the Financial Commissioner's recent note he alludes to the executive instructions issued by him in his Secretary's No. 5964 of the 25th October 1887, which, he remarks, have my concurrence. I suggest that it may be desirable to incorporate these instructions, or some of them, in the present proceedings. I ask attention to my letter No. 299, dated 27th November last, conveying to the Financial Commissioner certain remarks on his instructions.

With reference to paragraph 21 of these instructions, I may here say that the duty of a forest guard, who is really a forest policeman, is an exceedingly difficult one to perform. The establishment is weak, and the areas to be protected very extensive and scattered. I admit that forest guards, in common with other lowly paid officials (including those of Revenue and Police establishments), are apt to exceed their duty for dishonest purposes. Any tendency in this direction should be promptly and effectually checked by their superiors, who should use a wise discretion in accepting their reports and instituting prosecutions on them. But in the exercise of their legitimate functions they require strong support, and can do nothing without it. If it be needed, a caution might be given confidentially to the Assistant Commissioner, but I very much fear that the paragraph referred to will render our task of legitimate protection harder than heretofore.

REPORT ON THE FOREST SETTLEMENT OF KULU.

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KULU FORESTS SETTLEMENT REPORT.

CHAPTER I.

FORMER DEMARCATIONS AND PRINCIPLES OF THE PRESENT SETTLEMENT.

Demarcation of 1868.

The settlement of the Kulu Forests began in 1866, in which year the District authorities, by whom up to that time they had been managed, were directed to arrange for their transfer to the Forest Department. In 1866 Mr. Lyall, then Settlement Officer, demarcated some small pieces of deodar and kail forest on the understanding that "the officers of the Forest Department would either at once prohibit all grazing in them or would at least hold themselves at full liberty to do so whenever they thought proper." He did not, however, approve of this system, and recommended that the whole area of the forests should be demarcated and rights recorded and continued wherever necessary. In accepting this recommendation, the Conservator wrote that when any change in past practice seemed advisable the matter would in all cases be referred for the orders of Government, after consultation, if necessary, with the District Officers. On these principles Mr. C. M. Rivaz, then Assistant Commissioner of Kulu, demarcated 27 deodar and kail forests, of which alone at that time the Forest Officer wished to have charge, and Mr. Lyall recorded the rights existing in them. The result was summarized in the following paragraph, which is quoted at length, as it has an important bearing on the action now taken under the Forest Act :—

"With regard to two forests, *viz.*, Monálghan and Ban Dana in Kothi Monali, we (Mr. Lyall and Mr. Mackworth Young) found that the zamindars had no right whatsoever as they had taken a money compensation for any they may have had. With regard to the rest of the forests demarcated, with five or six exceptions, we held that it was necessary that a part varying from one-half to one-fourth of the forest should be left open to grazing for the zamíndárs of one or more specific hamlets. With regard to four or five, we recommended that the men of certain hamlets should be allowed timber of second quality free of cost when required for building purposes, sheds, &c. In regard to most or all we recommended that the zamíndárs whose fields lie handy should be allowed, according to former custom, to collect dead leaves for manure in the whole forest, or that at the most such usage should only be restricted in a part; also that the zamindars should be allowed to pick up dead wood for fuel and clip branches of mohru trees for fodder without restriction as before."

Rights existing in old demarcated forests at the commencement of present enquiry.

2. These forests were handed over to the Forest Department on the understanding that the old rules should be acted on, and that enquiry should be made prior to closing. The recommendations made by Mr. Lyall were lost sight of as early as 1870, and except near Monali little closing took place. The rights continued to be exercised very much as before, but the collection of dry leaves for manure was restricted to a week twice a year, and in some places goats and sheep were excluded. At the commencement of the present enquiry the following usages prevailed in these old forests :—

(1) Grazing was open to cattle, sheep and goats, except in a few fenced portions.

(2) Trees could be lopped for fodder inside as outside the forests.

(3) Dry wood could be taken for fuel without restriction ; all dry *standing* trees could be cut, except deodar, without permission.

(4) Trees of inferior kinds could be cut without permission, even though green, for fuel and for agricultural implements.

(5) Dry leaves for manure could be collected for a week twice a year.

(6) Pines could not be lopped nor cut without permission.

(7) Grass could be cut wherever it was found.

(8) Stumps of deodár and kail could be cut for torches.

(9) Deodár trees were not given to zamindars even on payment, but kail and other inferior pines were given free on application.

Forests demarcated in 1872-74, and rights found existing in them.

3. In 1872 the other forests were transferred to the Forest Department, and Mr. Duff, Deputy Conservator, up to 1874, demarcated three forests in Kulu, one in Waziri-Rupi and 30 in Inner Sahraj. No record of rights was prepared for these forests, but it was understood that existing usages should be allowed. No limit in time was imposed on the collection of dry leaves for manure in the Sahraj forests as was done in Kulu, and the lopping of pines with the Forest Officer's permission was also allowed up to 1875. About that time or rather

later the permission was abused, and lopping has since then been entirely stopped. With the single exception of dry leaves for manure, which could be taken all the year round in Sahraj, the same customs were found to exist in the forests demarcated by Mr. Duff in 1873 and by Mr. Lyall in 1868. In some of the Sahraj forests the boundaries are very irregular, and considerable areas of cultivation with houses have been included, but no change has been made in the demarcation, as the boundaries are now well known and respected, and besides, where the line is most irregular or where cultivation has been included, the forest is generally deodar.

Area demarcated before the passing of the Forest Act of 1878.

4. The area thus demarcated before the Forest Act of 1878 has been estimated at 13,500 acres (paragraph 31, Joint Report of Messrs. Brandis, Baden-Powell and Stenhouse), but the figures are in many cases inaccurate, and the area is probably under 11,000 acres. Where these forests have been extended in the present demarcation the enlarged area is in several cases now shown as less than what is given in the Joint Report.

Undemarcated forests and the rules for their management existing at commencement of present enquiry.

5. The condition attached to the transfer of the undemarcated forests to the Forest Department was that "the Forest Officers should administer the forest rules in force for unreserved tracts which are now worked by the Deputy Commissioner, and should make no changes whatever in these rules." The rules in force at the time were the Revised Kangra Rules of 1859, but they were unsuited to the special circumstances of Kulu, and could not be effectually applied. Mr. Duff therefore prepared in 1872 "Rules for the management of the Unreserved Forests in Kulu," and these rules, though never sanctioned by any competent authority, are now generally appealed to as the basis of forest conservancy in Kulu. While they provided for all the ordinary rights, their main features were (1) that the Negis of kothis could grant to the people of their kothis certain trees and shrubs for fuel and other purposes without reference to any forest official; (2) that they could give at one time to one person up to 40 trees of the kinds generally used for building purposes, such as kail, chil, rai, tos, also ash, olive, elm and yew; (3) that deodar, walnut, box and some other trees would be given only by the Forest Officer on payment.

Rights found existing in undemarcated forests.

6. These rules were enforced only partially in the Upper Beas Valley, less strictly in Waziri-Rupi, and apparently were never applied in Inner Sahraj, and still less in Outer Sahraj. Trees and shrubs unsuited for building purposes were cut without the Negi's permission. Trees for building were given by the Negis without any attestation by the foresters as the rules required. The authority thus exercised without any supervision was soon abused, and the number of trees that they could give at one time, was reduced from 40 to 10, and the authority to give kail, chil, rai, and tos was absolutely withdrawn in 1879. When the present demarcation began the following were the only restrictions in force in the undemarcated forests :—

(1) Deodár, kail, chíl, rai, tos, cypress, walnut, box, elm and ash could not be cut for building or other purposes without permission ; but kail, chil, rai and tos could be cut without permission for burning the dead and for agricultural implements.

(2) All dry standing trees except deodar could be cut without permission.

(3) In Kulu Proper the lower branches of kail, chíl, rái and tos could be lopped for making charcoal, but only rai and tos for manure.

In Waziri-Rupi and Sahraj all four trees could be lopped, both for charcoal and for manure ; and they were generally lopped almost to the top.

(4) Deodars could not be lopped for any purpose, but contrary to the custom prevailing in the demarcated forests they were given to zamíndárs on payment of Re. 1 per tree without consideration of size.

(5) No waste land could be brought under cultivation without the permission of the Assistant Commissioner, who usually consulted the Forest Officer.

(6) The burning of grass land was allowed in some places with, but generally without, permission. In some parts of Kulu Proper and Rupi it was customary to apply for permission to burn grass land, but there was no restriction of any kind in Inner and Outer Sahraj.

The grazing of cattle, sheep and goats, the lopping of trees for fodder, the collection of dry fallen leaves for manure, the cutting of all inferior trees for fuel and for agricultural implements, were carried on without any restriction whatsoever, and even the lopping of pines for manure was never regulated in practice. The customs, however, varied considerably in the different parts of Kulu, and much uncertainty prevailed both among the Forest officials and among the people as to what acts had been prohibited and what could be done without let or hindrance.

7. An attempt was made in 1874-75 in the course of the Revenue Settlement of Rúpi to demarcate the forests there, but nothing came of it in consequence of differences of opinion as to how the demarcation should be done. The differences on this occasion did not arise in regard to the rights to be continued in the forests, but in deciding what areas were worth demarcating from the nature of the forest growth upon them. Not long after this point was settled by Government, the Joint Report, which has played so large a part in the discussion on the treatment of the Kulu forests, was prepared. That Report, written as it was on the spot after local enquiry and inspection, has been accepted by all who have any personal knowledge of Kulu as giving not merely an unrivalled description of the forests, but a most accurate account of the requirements of the people and the means of meeting them, and Forest Officers appeal to it as laying down the principles to be followed in the demarcation and management of the Kulu Forests. I accept without reserve almost every statement and proposal it makes, and I shall show hereafter that the settlement now made agrees in almost every particular with the Report, and differs generally in being more strict than it is No final orders were issued on the Report until after the passing of the Forest Act of 1878, and the first notification directing the settlement now being reported was issued in July 1880.

Interval between 1874 and the passing of the Forest Act in 1878; the Joint Report.

8. The Conservator, himself one of the authors of the Joint Report, at first proposed that the forests indicated in it for demarcation should be put under the Protected Forest Chapter of the Act, but afterwards suggested that they should be treated as reserves under Chapter II. He foresaw, however, the difficulty that "the rights being of a somewhat general nature were not capable of being defined in the minute manner contemplated by the Act;" but he held that "this difficulty was got over by the fact that the Act only required that to be done 'as far as practicable,' and that the rights could be recorded with sufficient clearness, though all the details noted in the Act were not given." Upon this understanding the Notifications No. 271, dated 8th July 1880, and No. 217, dated 25th April 1881, were issued under section 4 of the Act; but it was expressly laid down that the Forest Settlement Officer was to be guided by the principles contained in Chapter IV of the Joint Report. Following the lines of that Report, I made suggestions for the definition of rights in general terms providing for closing and other restrictions on the rights. The Joint Report and the Conservator's letter quoted above were now put aside, and the Forest Officers required that the maximum number of cattle that should be allowed to graze and the maximum amount of timber that could be claimed should be fixed, and also that if possible all deodár localities and forests destined to preserve the soil should be permanently closed against all rights. Upon this arose the discussion on the merits and applicability of the chapters for reserved and protected forests, which, while causing much delay, has been fruitful in clearing away doubts as to the proper objects and the permanent nature of protected forests.

Preliminary Notifications, Chapter II or Chapter IV of the Act.

9. The relative position and value of the two chapters were thus described in the Government of India Forest Review for 1883-84:—

Relative value of Chapter II and Chapter IV, and the criterion of their application.

"The Indian Forest Act provides for the demarcation and conservation of two classes of State forests, namely, reserved and protected. In the case of the former full powers are given under which the estates can be thoroughly settled and efficiently protected, while the powers given for the settlement and conservancy of protected forests are less complete, though a good deal can be done under them. The chapters of the Act referring to these two classes of forests stand *side by side*, and it is nowhere indicated in the Act when one shall be followed and when the other; and from this fact it is clear that, whatever may have been the views of individual members of the Legislative Council, the Legislature did not embody those views in the terms of the Act, which might easily have been done had it been considered desirable. The application of the one chapter or the other to a particular group of forests is a matter of purely executive management and therefore of policy. Considering that the provisions of Chapter II are more complete than those of Chapter IV, and that forest conservancy can, under the former chapter and by the orders of the Local Government, be made just as lenient as under Chapter IV, the Government of India has always held, and still holds, that ordinarily permanent forest estates should be constituted under Chapter II, while areas regarding which it is as yet uncertain whether the whole or part of them are required for permanent forest estates should be treated as protected forests under the provisions of Chapter IV. There may be cases where for very exceptional reasons a forest is retained permanently in the protected category, but the general policy must be as now stated."

It is admitted on all hands that forest consevancy is easier under Chapter II than Chapter IV, and that provided the circumstances are compatible, the provisions of the former chapter should be applied in preference to those of the latter. But there is nothing in the Act to show that protected forests may not be, and were not intended to be, permanent; and if the Legislature had intended that the constitution of protected forests was only a temporary arrangement, pending the application of Chapter II, that would certainly have been embodied in the Act. The fact that the chapters stand side by side, without any indication that the results of conservancy will materially differ under either of them, shows that the selection of the chapter to be used is a matter of policy, to be decided upon after

consideration of the special circumstances of each locality, preference being given (wherever the circumstances allow of any option) to Chapter II, not because the Legislature considered it the chapter to be generally applied, but because Forest Officers think the objects of forest conservancy can be more easily and more completely secured under that chapter. The special circumstances which should determine the selection of the chapter were described by the Hon'ble Mr. Hope in the debate on the Forest Bill (*Government of India Gazette* of 30th March 1878). "There exists," said Mr. Hope, "throughout India a vast mass of forests which are not reserves and for the most part never can be . . . . mostly because they have other purposes to fulfil and are needed for the current use of the people . . . . To maintain the forests on which the population at large depend for the grazing of their cattle, the thatching, repair and construction of their houses, and even (in some cases) the fertilization of their fields and the eking out of their slender meal, and to ensure with this view the provident and reasonable exercise of rights, the existence of which is not disputed, appears to be as essential a part of forest conservancy as the formation of reserves and the nursing of gigantic trees." In the same speech he thus described the circumstances under which forests should be made reserves:—"There can be no real forest conservancy in any country without a certain proportion of closed reserves, and no such reserves can be maintained if all sorts of rights are to be freely exercised inside them; expropriation is consequently indispensable, though to a greater or less extent according to the circumstances of each forest." The result in Kulu is in exact accord with these extracts. Forests in which the people require large rights have been put under Chapter IV, and forests in which there are few rights, or from which rights could be largely excluded, have been made reserves under Chapter II.

Position of the valuable forests in regard to cultivation and villages and rights in them.

10. The first question then is what is the relative positions of the valuable forests in Kulu and the homesteads and cultivation of the people. This is at the very root of the matter, and on this point there is no room for difference of opinion. "The valuable forests in Kulu containing deodár and kail generally lie close to or among the cultivated fields and hamlets." This was denied by Mr. Brandis, who alleged that this description applied only to the Párbati Valley and the upper part of the Beas Valley, and that elsewhere the proposed reserves were mostly near the ridges and at a distance from the villages. To decide on the accuracy or otherwise of the information placed before the Punjab Government on a matter so vitally affecting the decision of the question at issue, Dr. Schlich, then Inspector-General of Forests, was deputed to Kulu. He saw almost every valuable forest in the sub-division, and he thus described the region of deodar:—"In most parts of Kulu, except in the immediate vicinity of the rivers where rice is grown, the region of deodár comprises the greater portion of the gentle slopes; and as a natural consequence it follows that cultivators have settled in it in preference to any other elevation, the result being that, broadly speaking, deodár and cultivation go together. And as a matter of fact almost every really valuable deodar locality is either honey-combed by cultivation, or at any rate the two adjoin each other. Deodar is no doubt found away from cultivation, but this is immediately explained by the fact that the slope is too steep or rocky to be fit for cultivation. The Rola Forest, for instance, is situated a long way from cultivation, but on examination it was found to consist of such steep slopes that probably more than one-half, if not three-fourths, of the trees can never be utilized, because they would be precipitated hundreds of feet and dashed to pieces in their fall." This description of the forests is corroborated by Major Bailey in his memorandum on the settlement in Kulu (page 17, Forest Proceedings, Punjab Government, No. 1 of April 1882), and might be proved to be absolutely correct by reference to individual forests. It is also supported by the comparison made in the Joint Report (paragraph 3) between the forests of Kulu and other localities. "A large proportion of these forests is situated on gentle slopes with a gradient not exceeding 30°. In this one respect the forests of Kulu compare most favorably with the forests on the Bhagirathi, Jumna, Tons, Sutlej, Upper Ravi and Chenab rivers. In Bashahr, for instance, deodár forests on slopes not exceeding 30° are rare and of small extent. The bulk of the deodar forests in that State is found on precipitous slopes or rocky ledges." Again, the Joint Report (paragraph 6) mentions that the "upper limit of deodár is lower in Kulu than in Bashahr, and nowhere approaches the limit of arborescent vegetation;" and this accounts for the failure to find deodar forests in Kulu above all cultivation, which on southern slopes is found at and in some cases even above 9,000 feet. These extracts show that the Kulu forests differ in a most important respect from those in the rest of the Punjab and in the North-West Provinces, and raise a very strong presumption that the procedure followed in settling these latter forests cannot be applied in Kulu. The Kulu deodar forests are not on ridges far away from cultivation, but are in the immediate vicinity of villages. They are the daily resort of the people for the pasture of their cattle, for timber for their houses, for fuel, fodder, manure and agricultural implements. There would not be much difficulty in reserving 150 square miles of rái and tos forests in Kulu, which lie high up away from cultivation, but difficulties arise when the waste to be reserved is just what the people require for the supply of their daily wants.

Testimony of Mr. Ribbentrop to grazing rights in Kulu forests.

11. On this point I cannot do better than quote Mr. Ribbentrop's account of Kulu in his memorandum on grazing in Government forests:—

"The drainage area of the head-waters of the Beas is probably the most densely populated of all the Punjab hill districts, and though wandering tribes of Gaddis are only per-

mitted a right of way to the higher grazing-grounds in Spiti and Láhul, and though Gujars are entirely excluded, a considerable area of forest land must apparently be kept open to supply the local demand. The grazing-grounds above the forests are sufficiently extensive and rich to feed the Kulu herds during summer and autumn, and during the winter they are either stall-fed or sent to lower localities in Mandi and Suket, but during the early spring, when the alpine pastures are still covered with snow, when the fodder collected for winter use has been consumed, and when the herds return from the lower drier runs, almost the only fodder supply in the country grows in the forests."

Again he writes in the same memorandum:—" Reservation could doubtlessly be extended into the higher and more inaccessible forests of spruce and silver fir without interfering much with the present system of grazing; but as the conservancy is not being carried out for climatical, but for purely commercial and economical reasons, this would be of no value. What is required is the closure of larger areas of deodár-producing land and there lies the difficulty, for these forests extend down into the permanent grazing-grounds, are mostly situated just above the villages, often honey-combed by cultivation, and yield the first spring crops of herbs and young branches, which are of great importance to the often only very badly wintered herds and flocks."

How are the rights to be disposed of?

12. The rights of the villages adjoining the forests were recorded in general terms at the Revenue Settlement, and were confirmed to the people by their acceptance of the settlement and their existence cannot now be ignored, nor can they be dealt with in the summary manner some Forest Officers would dispose of them. To the question how they are to be provided for, various answers have been given:—

(1) That they should be defined strictly and continued in the forests in accordance with sections 13 and 14 of the Act.

(2) That they should be provided for in some other locality outside the proposed reserves, or if that is not possible, that an area sufficient for their exercise should be excluded from the proposed reserves.

(3) That they should be defined in general terms and continued, the forests being made reserves under Chapter II.

(4) That the people should be bought out of their rights.

(5) That the rights should be defined with as much care and clearness as their nature will admit, and the forests put under Chapter IV.

Difficulty in applying Chapter II, moderate increase or modification of rights necessary.

13. The difficulty, almost impossibility, of complying with the requirements of section 13 of the Act in cases where the people have hitherto had the run of the forests, and where large general rights must be continued to them, is admitted by Mr. Baden-Powell in the letter quoted in paragraph 8, by Mr. Brandis in his memorandum on legislation, and also in his memo. of 20th July 1882, where he proposes to commute the rights or to exclude sufficient area for their exercise. So Dr. Schlich, while admitting the difficulties, believes they can be overcome if a limited area only is reserved. The law no doubt provides for the record and continuance of rights in the reserved forests, but the difficulty is how to record, without causing great hardship, the individual rights of a great part of the population. Moreover, Mr. Lyall considered that " it would not be fair to the zamíndárs or their descendants to convert each man's free right of pasturage into a right to graze only a fixed number of cattle, which number could not expand, however much his family increased or his circumstances improved " and the Government of India has agreed that a moderate increase or modification of the existing rights of the indigenous population should not be prevented. In regard to fixing the number of cattle that may graze, Major Bailey wrote that a percentage (say 10 or 15 per cent) might be added to the present number in order to arrive at the maximum. But Mr. Ribbentrop while admitting that in a settlement of rights there may be some excuse to enter increased rights, which may be required at some future time, still in an appeal against an order admitting grazing rights in a reserved forest, he objected to an increase of 5 per cent. on the existing number of cattle on the ground that " rights of user must be confined to exactly the extent to which they had hitherto been exercised, and the Forest Act (section 11), while providing for the admission or rejection of rights claimed, does not contemplate any provision for an extension of existing rights." (Appeal in Commissioner's Court decided by compromise on 19th June 1885). This appears to be the correct interpretation of the law as it stands, and however much the Local Government may wish to make conservancy in reserves lenient in accordance with the policy of the Government of India (*vide* paragraph 9), it cannot change the provisions of the law. In two other appeals the ground of objection was that the order contained a direction as to fencing the forests which lie close to hamlets. This shows how strictly Chapter II is being enforced in Kulu as compared with Burma, for instance, where I understand that double the number of cattle hitherto pastured has sometimes been admitted under sections 11 and 13. The circumstances of the countries are quite different, and that is the very reason why Chapter II should be used in the one and Chapter IV in the other. Again, the intrinsic difficulty of proceeding under Chapter II by recording rights is enhanced in

Kulu by the want of trustworthy data. For instance, the number of trees given to zamíndárs has varied during the last six years from 33,000 to 6,000. There is no estimate of the amount of timber in each tree; it is not known whether they are large trees or mere poles, and yet suggestions have been made that the requirements of hamlets should be fixed by taking averages of the number of trees given in past years.

Exclusion of forest to provide for rights.

14. In reality, however, very few have proposed to treat the rights in this way, and the answer to the question is generally that area should be excluded for the exercise of the rights. Dr. Schlich suggested the exclusion from the reserves of all the high-lying forest and the reservation of the deodár localities, consisting of only one-third or even less of the forested area. Such a reduction of area does not benefit the villages whose rights inside the reserves it is desired to cancel, because most of the area to be given up is useless for the exercise of rights, and because it is not a limited portion of *each* forest which it is proposed to reserve, but a limited portion of the *whole* forest area of the tract, so that in many cases the village whose present rights are curtailed will be precluded by physical circumstance from exercising them over a new area situated at a considerable distance. Mr. Lyall wrote that "in a highly mountainous country like Kulu, where the steep and rugged surface adds to distance, and where at certain times of the year the lie of the snow decides where the cattle can graze, any action that can be taken under section 14 (*a*) or (*b*) of the Act to commute the rights of a hamlet in forest land adjacent to its fields will be of the nature of confiscation, not of commutation."

Exclusion of valuable forests near villages most inexpedient.

15. Doctor Schlich, however, contemplated the exclusion of forests near villages, and proposed that the boundaries of reserves should be fixed so as to free them of rights whenever practicable. Mr. Brandis wrote that the grazing difficulty in forests near villages "must be overcome by excluding from the reserved forests areas suitable for pasture in the vicinity of the villages;" and "in lieu of some of the rights hitherto exercised in the areas to be reserved to grant to the people more extensive rights in the forest and waste excluded from the reserves". This is a perfectly practicable policy, but the result would be disastrous to Government and also to the people. The reserves would consist of small scattered patches, difficult to manage, and comprising only a small portion of the valuable forest in the country. Mr. Brandis in the Joint Report (paragraph 31) proposed that the old demarcated forests should be extended as they were often too small to be either protected or efficiently managed; but if sufficient area for the exercise of the rights described in paragraph 1 and admitted in these forests were excluded their area would be reduced by one-half. The area given up would consist of the best deodár forests in Kulu, in regard to which Major Bailey wrote in these terms:—"The valuable deodár forests are nearly always low down and not far from the village cultivation. To exclude all such areas from the demarcation would defeat one of the main objects in view, while to include the principal deodár forests, even though they are near villages, would inflict no hardship on the people as long as they are not closed . . . . To exclude them now from the demarcated areas would, unless a new settlement were undertaken, prevent any chance of their being cared for." I am strongly of opinion—and in this Colonel Stenhouse and Mr. Gisborne Smith agree with me—that the policy of excluding deodár and kail forest in order to acquire more extensive powers over the smaller area retained is quite unsuited to the circumstances of Kulu. The undemarcated forests, handed over as Mr Brandis proposes to the people, would disappear, and there would remain only the small scattered patches, which could have little effect in preventing the evil results of the general denudation. Everything that is necessary to maintain and even to improve the forests can be accomplished by a system of closing in rotation, which implies extensive demarcation, and therefore continuance of rights.

General definition of rights not sufficient for Chapter II.

16. It has been proposed to define the rights in general terms and still to put the forests under Chapter II. This is the proposal made in paragraph 8 of the Government of India No. 666, dated 21st August 1883, in which Dr. Schlich's suggestions for the record of rights in the reserves are referred to. These suggestions, however, were made in regard to the Rules of 1855, and are not in accordance with Chapter II. Instead of fixing the number of cattle, he would merely record the area to be closed; instead of fixing the quantity of timber, he would give only the number of houses to be provided for. If such a record as this is considered sufficient, the 1st class forests may be at once made reserves. But it is not such a record as Chapter II requires, and the provisions of that chapter cannot be set aside to secure nominal reserves with a system of conservancy as lenient as under Chapter IV. Moreover there is the further objection to this record that it is final and may not be changed, however indefinite and however incorrect it may be. The record proposed by the Government of India is, however, perfectly consistent with the provisions of Chapter IV, and under that chapter it may be amended and made more definite if at any time it is found insufficient.

Commutation impossible.

17. It is scarcely necessary to touch on the proposal to commute the rights under section 15 by cash payments. The people are dependent on these rights for their very existence, and the extinction of the rights would be most unjustifiable expropriation.

18. The peculiar circumstances of Kulu, admitted by all the Forest Officers who have any knowledge of the locality, are inconsistent with the general application of Chapter II, and require that the bulk of the forests should be put under Chapter IV, the provisions of which chapter will adequately meet the facts of the case. It is now admitted that under Chapter IV a full enquiry can be made, and also a regulation of rights, that forest conservancy is possible under Chapter IV and that protected forests may be permanently maintained as such. Again, though the number of mature deodár trees now in Kulu is small, the reproduction of that species in many places is remarkably good; the amount of blue pine is rapidly increasing; natural forest growth is strong; and altogether the facts do not call for such intense treatment of the forest as would require the restrictions of the reserved chapter. The course of forest conservancy in the past has been the gradual imposing of such restrictions as circumstances showed to be necessary. The people have learned to respect them, and a similar procedure in the future will be found satisfactory for the forests as well as for the people.

The special circumstances of Kulu require Chapter IV.

CHAPTER II.

Reserved Forests.

19. The orders laying down the principles on which the demarcation was to be carried out are given in Punjab Government letter No. 511, dated 28th November 1883, in the following terms:—" The Government of India has accepted the proposal of the Local Government that the bulk of the demarcated forests shall be treated as protected forests, such restricted areas as the Forest Settlement Officer and local Forest Officers may agree upon being treated as reserves on the understanding that this procedure will be carried out in an accommodating spirit...........It is not possible for the Local Government to say that the most important deodár localities in Kulu shall be so dealt with as reserves, or to prescribe a minimum area which shall be so treated; but where the Forest Settlement Officer and Forest Officer are agreed that, with reference to the locality of the tract and the rights of the people therein, any particular area is one that can properly be treated as a reserve, the views expressed in the letter of the Government of India will be carried out as far as possible. In the same letter it was laid down that the Waziri Rupi forests should be treated in precisely the same manner as the other forests of Kulu; and again in No. 542, dated 12th December 1884, the order was specially repeated in regard to Rúpi, that only such small and special areas as might be agreed upon by the Forest Department and the Civil authorities, would be constituted as reserved forests under Chapter II, and the remaining forest lands would be treated under Chapter IV.

Orders for the demarcation now effected.

Distribution of cultivation and waste; area concerned in the demarcation.

20. The cultivation and the waste of Kulu may be roughly divided as under:—

	Cultivation in square miles.	Waste land in square miles.	Total area ni square miles.
Kulu Proper	40	634	674
Sahraj (Inner and Outer)*	20	555	575
Rupi	15	662	677
Total	75	1,851	1,926

* Note.—The area of cultivation in Sahraj is considerably more than 20 square miles, but the Settlement figures are here given.

I estimate that about 1,000 square miles lie below the limit of arborescent vegetation and form the area concerned in the present demarcation. The rest consists of bare grassy slopes, rock and perpetual snow. Of the waste, below the natural limits of the forests, a large area is bare, especially slopes with a southerly or easterly aspect, as in Outer Sahraj. The authors of the Joint Report estimated that, including the brushwood jungles, the forested area was not more than 400 square miles. Dr. Schlich calculated that the demarcated area might be 400 square miles, and he excluded all the right bank of the Párbati and other areas which have since then been taken up. The total wooded

area may, in my opinion, be put down between 600 and 650 square miles, and the low-lying grass land at 250 or 300 square miles. The grass land is very unequally distributed, more than one-third of it being in Outer Sahráj, which is only about one-seventh part of the whole of Kulu.

Statistics of the Kulu Sub-Division.

21. The following statistics of the four principal Divisions of Kulu will be frequently referred to, and are here collected together for convenience of reference:—

	Population.	Revenue including máfis.	Number of cattle.	Number of sheep and goats.
		Rs.		
Kulu Proper	38,064	40,424	33,929	80,830
Inner Sahraj	17,531	10,030	15,961	25,351
Outer Sahraj	30,615	17,552	32,747	47,668
Rupi	14,041	10,471	16,519	42,156
Total	100,251	78,477	99,156	196,005

Classification of the forests.

22. The forests have been divided into three main classes:—

1. Reserved Forests.
2. Demarcated Protected Forests.
3. Undemarcated Protected Forests.

The peculiarities of the tract have necessitated the division of the demarcated area into reserved and protected, and as it is not intended to hand over the outside waste absolutely to the people, but on the contrary to preserve the trees on it, it was necessary to make the undemarcated forest into a separate class. The three classes thus formed would for the purposes of the Forest Settlement have been sufficient, but the demarcated protected forests have been further sub-divided into 1st class and 2nd class. This division is a pure matter of administrative convenience, and does not imply the application of a different law to each class, and arose out of the suggestions made by Dr. Schlich for the management of the Kulu Forests. He proposed that the deodár-producing areas should be separately demarcated as 1st class forests, for which a more detailed record of rights should be prepared, and that as far as possible rights should be excluded from them and thrown into the 2nd class and undemarcated forests. His object was not only to secure a more complete record for the deodar forests, but also to remove from the Forest Officer the burden of managing the less valuable areas, which he proposed to put under the Negis or headmen of kothís subject to the general control of the Forest Department. He thus recommended the three classes into which the protected forests are now divided. Had it been possible to make all the 1st class forests reserves under Chapter II, only the three classes would have been found necessary; but many of the deodar localities could not be treated under that chapter, and have been made protected forests. In order, however, to comply as far as possible with the wishes of the Forest Department, these forests were not merged in the larger and less valuable areas, but were separately demarcated as 1st class forests, and their record of rights has been prepared as nearly as possible in accordance with Dr. Schlich's suggestions.

Classification is not so complicated as it appears.

23. The formation of four classes has been objected to as too minute and complicated, and likely to raise difficulties in management, unless the rules are concise and simple. The arrangement is not so complicated as it looks, for though the circumstances and records of no two forests are exactly alike, the main restrictions are the same for all, and the rules will be easy of application. The rights in 2nd class and undemarcated forests are the same, except that the burning of grass land and new cultivation are allowed in the latter and refused in the former. There are practically only two classes of protected forests, and these are required by the great difference in vegetation and in value between the higher and the lower forests.

General result of the demarcation.

24. The general result of the demarcation is given in the following statement :—

	Reserved area in square miles.	Protected area in square miles.			Total demarcated.	Total area of the tract.
		1st class.	2nd class, wooded.	2nd class, bare.		
Kulu Proper ...	$7\frac{3}{4}$	20	$123\frac{1}{4}$	$232\frac{3}{4}$	$383\frac{3}{4}$	674
Inner Sahraj ...	$17\frac{1}{2}$	$15\frac{1}{4}$	$76\frac{1}{4}$	$65\frac{1}{2}$	$174\frac{1}{2}$	575 (Inner and Outer Sahraj)
Outer Sahraj ...	6	$26\frac{1}{2}$	$37\frac{1}{2}$	$21\frac{1}{2}$	$91\frac{1}{2}$	
Rupi ...	31	54	115	390	590	677
Total ...	$62\frac{1}{4}$	$115\frac{3}{4}$	352	$709\frac{3}{4}$	$1,239\frac{3}{4}$	1,926
	Area forested 530 square miles.					

In demarcating the high-lying 2nd class forests it was not considered necessary to put up pillars on the upper side towards the grass lands and snow above the line of arborescent vegetation. In forests which run so high as to have no cultivation above them, the natural limit of the forest was considered its boundary; but the bare waste above forest limits is practically within the demarcation, and its area has been separately shown. The rights in these grassy wastes which are invaluable grazing for sheep and goats, have been shown in the records, as the people could not understand that they were not included in the forests, no pillars to exclude them having been put up. The total area under forest is 530 square miles, of which one-third, 178 square miles, being reserved and 1st class protected forests, contain mostly deodar and blue pine, and are of great value both locally and for export; while 352 square miles contain for the most part only the inferior pines, spruce and silver fir, and other less valuable trees, and at present are of no use for export, but are of great value to the people. The area now demarcated is 130 square miles in excess of what Dr. Schlich proposed in December 1882; but at that time the orders for Wazirí-Rupi had not been issued, and his demarcation did not contemplate the final separation of the whole waste required by Government and the bestowal of the rest on the Rái. He calculated that about 100 square miles would be taken up in that jagir, whereas the area of forest now demarcated is 200 square miles.

The areas are only approximations.

25. The areas given here and also in the records of the various forests are mere approximations, but they were taken out with much care by Mr. Gisborne Smith, Deputy Conservator of Forests, and though there may be mistakes in individual forests the total will probably be found not far wrong. In Rúpi, where the area was estimated of the demarcated and of the undemarcated portions, it was found that the approximations brought out a total area for the tract of 630 instead of 677 square miles, showing an error of 25 square miles, or less than 4 per cent. In order to complete the whole area it has been calculated that the reserves are 31, the 1st class forests 54, 2nd class (wooded) 115, 2nd class (bare) 390, cultivation grass land and undemarcated forest 87 square miles.

Areas for Rupi.

	Square miles.
Reserved	... 30·825
1st Class Protected	... 50·623
2nd Class Protected—	
Forested	... 110·390
Bare	... 373·797
Outside demarcation	... 84·438
Total	... 650·073

Reasons for distribution of forests among classes.

26. The large area of reserves in Inner Sahraj is accounted for by the large area of waste, say 300 square miles, compared with small area of cultivation, the small population, and the small number of sheep and goats. Kulu Proper with twice the area of waste has more than four times the area of cultivation, more than twice the population, and more than three times the number of flocks. A great part of the waste of Inner Sahráj lies at the head of the Sainj and Tirth streams, in almost inaccessible places, and there, two large reserves (Humkani and Rola) with an area of $12\frac{1}{2}$ square miles haee been formed, leaving only 5 square miles for the more inhabited part of the tract. Outer Sahráj differs from the rest of Kulu in that it has mostly a southerly warm aspect, and even the higher forests therefore contain more or less deodar and kail, and the area of 1st class forests is thus large as compared with the 2nd class. The demarcation in Rupi was of a special nature, and no comparison can be instituted with the other parts of Kulu.

27. Proceeding on the instructions given in the Government letter quoted in paragraph 19, Mr. Gisborne Smith, Deputy Conservator of Forests, and I demarcated 35 blocks of reserved forests with an aggregate approximate area of 39,779 acres, the distribution of which is shown in the following statement:—

Area of reserved forests.

	No. of forest.	Area in acres.	Average area in acres.
Kulu Proper	11	4,926	448
Inner Sahraj	9	11,210	1,245
Outer Sahraj	7	3,915	559
Rupi	18	19,728	1,098
Total ...	45	39,779	884

The large area in Rupi is explained by the small population and small area of cultivation compared with the waste in the jagir. The areas of Kulu Proper and of Rupi are almost identical, but Kulu has twice the number of cattle, sheep and goats, and almost three times the population and cultivation. The figure for Inner Sahraj is deceptive, as the two reserves of Rolla and Humkani, situated at the head-waters of the Tirth and Sainj, and not of much value, have a united area of 8,000 acres, leaving only 3,210 acres for the other seven forests. The whole of the reserved area has been selected as deodar producing, but in some of the large forests it will be found difficult to grow deodar in the upper parts, more especially if they are of northerly aspect.

28. Dr. Schlich selected 50,000 acres to be demarcated and treated as reserves, of which 28,139 acres are included in the forests now settled under the Reserved Chapter of the Act:—

Comparison of present demarcation of reserves with Dr. Schlich's proposals.

	Area selected by Inspector-General.	Area now reserved.	Area reserved, but not selected.
	Acres.	Acres.	Acres.
Kulu Proper	17,040	4,926	...
Inner Sahraj	9,480	4,910	6,300
Outer Sahraj	5,080	3,915	...
Rupi	18,400	14,388	5,340
Total ...	50,000	28,139	11,640

The whole of the reserves in Kulu Proper were included in Dr. Schlich's list, and the same may be said of Outer Sahraj, except that the Inspector General did not specify the position of the areas in that part. The forests in Inner Sahráj, not included in his list, are Humkani, Dewa-Kando, Sochli, Reunsi, with an area of 6,300 acres, and in Rúpi, Deun, Nilla-totha and Gatipat with an area of 5,340 acres. Some part of this are of 11,640 acres, which was not seen by the Inspector-General, and was therefore not selected by him, is quite as good as some of the selected forests. Parts of 13 of the forests referred to in Government of India No. 666 F., dated 21st August 1883 (paragraph 9), have been made reserves. In the case of the Dohangun Forest rights are exercised in the lower or most valuable part, and with Mr. Smith's approval it was made a 1st class protected forest instead of a reserve with reduced area and the deodar locality mostly outside. The 22,000 acres selected by Dr. Schlich as reserves, but now made 1st class protected forests, consist of valuable deodar areas near villages, burdened with rights, which could not be made reserves. Of the total area now reserved, some 25 square miles are in good deodar localities, fairly convenient for export, while the remaining 35 square miles are now of less value being at a distance from roads and large streams, but from their freedom from rights they will ultimately be found to possess special value.

29. The forests vary from 10 up to 5,280 acres; 14 of them have an average area of 55 acres, and 6 of them a total area of 27,820 acres, and an average area of over 4,600 acres. The small forests are patches near villages, surrounded by cultivation and incapable of extension, from which rights could be almost entirely excluded in consequence of the existence of other conveniently situated waste. Had it been possible to extend these small forests by including in them other areas, they would probably have been made protected forests with rights continued in them and power to close in rotation. The larger forests are similar to the Rolla Reserve at a distance from habitations, but steep and difficult to work and therefore not burdened with rights

Great difference in area of forests.

30. Such parts of the 1st class protected forests as could be freed from rights, that is, could be closed against all or most rights, might have been made reserved forests. The area that might thus be closed is at least 26,325 acres, and if some few rights easy of definition were admitted, it would be not less than 30,000 acres; so that the total area reserved might be increased to 70,000 acres. The rest of the 1st class forests, consisting of 42,000 acres of the most valuable forest in Kulu, would, however, have been gvien up to destruction; it could never have been closed, however denuded, unless the reserved forests were thrown open, which supposition is contrary to the intention of Dr. Brandis. Such a policy is contrary to well-established principles of forestry, and fortunately has never got the support of any local Forest Officer.

Parts of 1st class forests might have been made reserves, but at great sacrifice of area demarcated.

31. The extent to which rights have been admitted in the reserves will be gathered from the following figures :—

Extent to which rights have been admitted in reserves.

	No rights admitted.	No grazing rights admitted.	Sheep and goats excluded; cattle admitted.	Cattle excluded; sheep and goats admitted for two months or less.	More extensive rights admitted.
	Acres.	Acres.	Acres.	Acres,	Acres.
Kulu Proper	454	3,272	...	300	900
Inner Sahraj	4,060	1,000	650	5,500	...
Outer Sahraj	1,360	935	240	1,380	...
Rupi	4,380	1,925	1,400	600	11,423
Total	10,254 16 sq. miles.	7,132 11 sq. miles.	2,290 3½ sq. miles.	7,780 12½ sq. miles.	12,323 19¼ sq. miles.

The area from which all grazing has been excluded is 27 miles, and sheep and goats are excluded from a further area of 3½ square miles, and allowed in 12½ square miles for two months or less. It may then be safely said that the natural reproduction of an area of 43 square miles is absolutely secured. In the Rajgiri Reserve, area 900 acres, 50 head of cattle and 50 sheep and goats have been allowed to graze, but only in a small part of the forest. In Kasol Reserve (Rupi), area 5,280 acres, only 20 sheep and goats have been allowed to graze all the year; and in the Niargarh Reserve (Rupi), area 5,280 acres, 105 sheep and goats have been allowed into the forest during winter. There is, therefore, very little risk of any damage being done, even in the forests, where both cattle and sheep grazing have been admitted.

32. In recording the rights, the strict definition of rights required by section 13 of the Act has not in all cases been fully complied with. For instance, in the Kasol Reserve the number of houses for which timber must be supplied from the forest has been fixed, not the number of trees or the amount of timber in cubic feet; so the quantity of fuel that may be taken, and the number of oak, maple and other trees that may be cut for agricultural implements, has not been fixed; there is merely a vague general direction that they must not be cut in such numbers as to cause denudation. The number of cattle, sheep and goats that each individual right-holder may graze has not been given; but the total number now in the village has been fixed as the number that may graze, and in case of dispute the extent of the right of each right-holder will be determined by the relative amount of revenue paid by him. The Kasol Forest is just on the border of what should not be constituted a reserved forest; but as from the position of the village no extension of cultivation was possible, and as it has rights in two other forests, it was considered a fit case for a

Act not in all cases complied with in defining rights.

reserve, even though the village must have all rights in it. The Forest Department has accepted the record in this and in other cases where the Act has not been strictly complied with, and by some further relaxations in the provisions of Chapter II all the protected forests might be made reserves.

General provisions applicable to all rights admitted.

33. The general provisions subject to which the rights have been admitted are few and simple. They provide for the assessment of forest rights to revenue at the new settlement; they declare rights appendant to cultivated land; they prohibit alienation of forest produce; they declare that the rights can be exercised only so long as the subject of the right is in existence; and provide for disputes among right-holders as to the extent of the rights of each in cases where the rights have been admitted in the aggregate. The last provision refers to closing portions of forests in which rights have been admitted, and allows the closure of any part provided the open area is sufficient for the exercise of admitted rights. The rights in the Kulu Proper and Inner Sahraj Reserves (except in Humkani) were recorded by Mr. Dane, Forest Settlement Officer, and his general provisions differed somewhat from those now recorded, but the difference is very slight, except that his provisions did not expressly lay down the conditions of closing; but as these conditions were clearly implied, the same general provisions have been made applicable to all the reserves in Kulu.

Special rights for the Rai of Rupi.

34. The special provisions for the Rai of Rupi, who has been allowed a few unimportant rights in two or three of the reserves are similar to those for the people generally, but provide for his right to grant licenses for the capture of musk deer and hawks. The subject of these licenses is considered at length in paragraph 163. The rules issued with Notification No. 208, dated 2nd May 1879, under section 25 (*i*), lay down that the setting of snares and traps is prohibited; but as the exercise of recorded and continued rights is expressly saved from the operation of the rules, it is presumed that the Notification referred to will not require any alteration in consequence of the Rai's right to grant licenses to set snares and nets.

Area closed for cultural operations.

35. The area closed in the reserved forests for cultural operations is 564 acres, of which 540 acres are in forests where no rights have been admitted, and which are therefore closed in virtue of the record. An area of 24 acres is in Bindraban (Waziri-Rupi) in which grazing and other rights have been continued. These rights have been suspended for the last three years, and the condition laid down in the general provisions that the open area should be sufficient has been complied with. In future when any part of a reserve in which rights have been continued is to be closed, the sanction of the Assistant Commissioner should first be procured.

Appeals against orders in reserved forests, and the points raised in them.

NOTE.—The period of appeal has expired since the text was written, and no other appeals have been presented.

Increase of rights.

36. Up to this time only three appeals have been instituted against the orders passed by the Forest Settlement Officer, and as they illustrate some of the difficulties of working the Forest Act, they will be referred to at some length. The appeal of the Conservator of Forests against Mr. Dane's order in the Daogi case was made on the grounds (*inter alia*) (1) that rights of user cannot be considered to be in existence to any larger extent than they are exercised at the time they are enquired into, and (2) that they consequently cannot be admitted and recorded in excess of their existence at the time of settlement under the Forest Act, and (3) that the time during which the right to graze had been admitted had not been fixed, though the grazing did not go on all the year round. The order appealed against allowed 250 head of cattle to graze in a forest of 60 acres lying close to the hamlets, to which the right was admitted, and through which the cattle must go to reach their principal grazing-ground. The actual number of cattle in the hamlets at the time of the enquiry was 237, so that objection was taken to an increase of 5 per cent. (*vide* paragraph 13 of this Report). The reasons given by Mr. Dane for allowing grazing in Daogi Kalaun apply to most of the small deodar groves near villages of which it is a type:—"The forest lies so close to the villages that until it is thoroughly fenced it will be impossible to sustain actions for cattle trespass, and the cost of fencing will be prohibitive. It would be almost impossible to fix the exact number of cattle to be grazed, as at some time or other every animal in the village probably enters the enclosed area. At the same time the whole number shown never grazes at one time in the forest, nor are the animals grazed there every day." The reserve would in itself provide grazing for only a few cattle, but the right has been exercised and claimed in the aggregate by the whole village. If an aggregate of claims can be allowed or refused *in toto*, there is no difficulty in disposing of them. But if the area of the forest and the state of its vegetation are such that it will suffice only for a part of the village, and if as in reserved forests it is necessary to limit the right to what the forest can bear, the question arises what part of the village should be allowed rights in the reserve and what part should be refused them, all having an equal

How to dispose of rights claimed by whole villages.

title and all having exercised the rights up to the reservation of the forest. Mr. Baden-Powell in his Forest Jurisprudence (page 123) suggests that in such cases the rights should be reduced rateably, but doubts whether that would not be an unreasonable interference with the right. It would in most cases amount to confiscation, as the exercise of the reduced right would generally be impracticable. Compensation in money, which is also proposed, is out of the question. The only course to pursue in the case of reserved forests is so to reduce the area as to exclude from the remainder all such aggregate rights. Most of the claims put forward in Kulu, both in the reserves and in the protected forests, are of this nature. Wherever it was possible, as in the 14 small reserves referred to in paragraph 29, to exclude grazing rights altogether, these small areas have been constituted reserves; but wherever it was necessary to admit such rights, and the reduction of the area to exclude them was inexpedient, the forests have been made protected.

Fencing of reserves closed against grazing.

37. As the Forest Department was prepared to fence the Daogi Reserve, a compromise was arranged by which grazing rights were disallowed on the understanding that at the time of closing the forest the paths through it should be properly fenced. Proceeding on the analogy of this case, I refused to admit the claims of Diyar and Gohi to grazing rights in the reserves lying near them, but recorded that fencing was necessary prior to closing. The Conservator of Forests appealed on the grounds that such a condition could not be recorded under Chapter II, and that fencing was impracticable. The Forest Officer who represented the Department in the Commissioner's Court admitted that fencing was necessary and that the order appealed against was proper, but that it was illegal under Chapter II. The Commissioner held on the legal point that the condition could be recorded, and that in fact the necessity for the condition was in this case admitted. The Commissioner wrote in his judgment that "it would be productive of oppression, well nigh intolerable, if the sheep and cattle passing through or along the edge of the reserves towards their pastures and water, and tempted perhaps by the sight of grass within the forest when their own grazing-grounds are parched and dry, were to be liable to be pounded if they strayed, as must almost certainly be the case." These three appeals prove that Chapter II is totally unsuitable to the circumstances of Kulu, and the attempt made to raise legal objections to parts of the record which were admitted to be just and equitable raises an apprehension that the chapter may be made the means of much oppression.

CHAPTER III.

Protected Forests.

Demarcation and classification of protected forests done by Forest Officer.

38. In the demarcation and classification of the protected forests I was wholly guided by the opinion of the Forest Officer. The order of Government was that Rúpi should be treated in the same way as Kulu Proper, but this was modified by a subsequent order that the undemarcated waste in Rupi was to be given up to the Rái. In Kulu there was no intention of handing over the outside waste to the people, and the demarcation there is not of necessity final as it is in Rupi. I did not approve in all respects of the demarcation in Rupi for reasons which will be found in paragraphs 88 and 89, but I recommend that the demarcation as now effected may be allowed to stand. Any mistake that may have been made is in favor of Government, which may at any future time give up what is found to be useless for forest purposes. In so far as the rights of the people are concerned, the settlement in Rúpi is the same as in the rest of Kulu, and in that respect no separate account will be given of that tract.

Distribution and area of 1st class protected forests.

39. The following statement shows the distribution and area of the 1st class forests:—

	Number of forests.	Area in acres.	Average area in acres.
Kulu Proper	46	12,853	279
Inner Sabraj	48	9,813	204
Outer Sabraj	36	16,905	469
Rupi	52	32,399	623
Total	182	71,970	393

Though there are 182 forests treated separately, this does not mean that there are 182 detached forests, but that for purposes of record the well-known local divisions have been retained. In many places several of the forests adjoin and might have been shown under one number, *e. g.*, In Inner Sahraj the map shows that the 13 forests, Nos. 2 to 14, might have been considered one forest, but since 1872 they have always been referred to under separate names, and to have put them all into one record would have caused confusion. Moreover, in most cases the division corresponded with the kothi, phati or hamlet limits, or with some well-marked natural feature, and this suited also the record of rights. For administrative purposes the forests may be managed in more compact blocks, regard being had in closing to the rights recorded for each sub-division; so that the area to be closed should consist of pieces taken from the various smaller forests, and not of one large block.

Difficulties arising from demarcation of very small areas.

40. There are, however, many small detached blocks, *e. g.*, Hamta (15 acres), smaller Ledi Chalaun (a few acres), Rakotan (20 acres), Jaun Kalaun (15 acres), Bohari (20 acres). I doubt very much the expediency of taking up such small patches which cannot be properly managed, and which being near villages and surrounded by cultivation are burdened with rights. When, according to the first proposals, it was intended to put the forests under Chapter II, the Forest Officer on my suggestion removed Hamta and some other areas from the list of reserves. Of Hamta he wrote that it was "too small and too much of a thoroughfare to be capable of treatment as a reserved forest." When the forests were to be declared protected, Hamta and other small forests were again included. I did not interfere with their demarcation, though these small groves near villages and burdened with rights cannot be "either protected or efficiently managed," and it may be necessary hereafter to give them up. The demarcation may have some effect in preserving them for a time, and provided the rights are allowed no inconvenience will result. There are special difficulties in the way of preparing a proper record of rights in these small areas; for they must be admitted to the whole village or quite disallowed; and if they are admitted to all in the village, incorrect inferences are drawn as to the meaning of the record (*vide* paragraphs 36 and 77).

First class forests are the most valuable for export, also for the people.

41. The 1st class forests include all the deodar localities which could not be treated under Chapter II in consequence of their proximity to villages and the existence in them of extensive rights. The forests demarcated before the Forest Act of 1878 have for the most part been made protected, as might be expected from the account given of them in paragraph 1. They are the forests of most value to the State for purposes of export; but, being near cultivation and in the most populous parts of the valleys, they are also of inestimable value to the people.

Contents of record for 1st class forests.

42. The record of rights has been prepared as far as possible in accordance with the suggestions made by Dr. Schlich. Wherever practicable, rights have been thrown into the 2nd class and undemarcated areas. The record for each forest consists of (1) the boundaries; (2) rights of a proprietary nature in the forest, such as cultivation and grass land, when there are any such rights; (3) general forest rights admitted in all forests; (4) special forest rights admitted in each particular forest; (5) hamlets, &c., to which the rights have been admitted; (6) general conditions applicable to all forests; (7) special conditions applicable to all the forests of the tract; (9) proportion of each forest that may be closed; (10) statistics of the hamlets having rights, showing the number of houses and families, and of cattle, sheep and goats, with remarks of a miscellaneous nature as to closing, exercise of rights, &c.

General rights, special rights, special conditions and general conditions.

43. The rights to cut grass, to remove medicinal roots, fruits, flowers, dry fallen wood, except deodar, walnut, box and ash, to cut bamboos, and to take splinters of deodar and kail stumps, have been admitted in all forests without permission. Whatever other rights are allowed are described in full detail for each forest separately; the names of trees and shrubs that may be cut or lopped without permission are specified; the times during which manure leaves, whether dry or green, may be taken, are fixed; paths through each forest are indicated in detail; the thaches or places where sheep are penned are named, and the times during which they are used are specified; the grazing of sheep and goats is specially treated, time and place being as far as possible fixed. The special conditions provide that kail, chil, rai, tos, may be lopped only to certain heights and for certain purposes; that slates, &c., may be removed from the quarries detailed in the record only if damage is not done to trees; that deodar will not be given even on payment, and other trees for building only with permission. The general conditions declare the rights appendant to cultivated land, prohibit alienation, impose conditions on the right to building timber, &c., and also make the right-holders in forests responsible for fires. As the rights are appendant to cultivated land, the right-holders are described, not by individual names, but by the name of the hamlet. The proprietors of the cultivated land may exercise all the rights admitted to the hamlet, which, however, are not

necessarily all the rights allowed in the forest; *e.g.*, one hamlet may be allowed building timber only while another may have grazing and all other rights. A tenant with occupancy rights may also exercise all the forest rights attached to the land he cultivates; but a tenant-at-will, not being able to build without the proprietor's consent, must apply for building timber through the proprietor of his land, who is thus made responsible.

Record was accepted by the Forest Officers as sufficient.

44. A general specimen copy of the record of rights, consisting of the records for the Jangar, Deoban and Chabar, 1st class forests (Nos. 17 and 18, Kulu Proper), was in accordance with Punjab Government letter No. 511, dated 28th November 1883, sent to Mr. Gisborne Smith, the local Forest Officer, associated with me in the demarcation. At his suggestion the numbers of houses in the hamlets having a right to building timber, and the numbers of cattle, sheep and goats in the hamlets entitled to grazing, were shown in the record, not, as Mr. Smith pointed out, in order to impose a limit on the exercise of these rights, but as a record for future guidance of what existed at the time of the enquiry. He suggested also that the sale of minor forest produce, such as medicinal roots, grass, firewood, &c., should be made subject to such regulations as Government might deem necessary, especially with regard to the new Revenue Settlement. I admitted in reply the right of Government to re-assess forest rights at the new settlement and also to regulate the sale of grass and firewood. There was no difference of opinion as to the sufficiency of the record, and Mr. Smith accepted it as a specimen of the record for almost all the most valuable forests in Kulu, and wrote that in his opinion it fully satisfied the requirements of Chapter IV of the Act (No. 150, dated 13th November 1883). No limit in time was imposed in this specimen record on the grazing of cattle, sheep and goats, though cattle were allowed in all three forests, and sheep and goats excluded only from one. I pointed out at the time (No. 70, dated November 2nd, 1883) that it would not be always possible to exclude sheep and goats, which I knew to be the Forest Officer's wish, but that limits would be imposed as far as possible by fixing the time or the place for grazing. The records for Deoban, Chabar and Jangar include all the rights allowed in 1st class forests, and in many of them the rights admitted are much less extensive. The correspondence and record were at my request forwarded by Mr. Smith to the Deputy Conservator for submission to the Conservator of Forests, and no objection having been taken to the form of the record, nor to its contents, the other forests have been treated in the same manner. The Conservator's objections, which are considered later on, were not made until October 1884, when the records for the whole of Kulu Proper and the greater part of Inner Sahraj had been prepared and submitted for sanction.

The vernacular record is not in the form of the administration paper in the Revenue Settlement, but is an order passed as the result of the enquiry made. Copies of the order have been in all cases given to the parties concerned, and objections made have been considered and the order corrected if necessary. The record may therefore be presumed to have been accepted by the people.

Means taken to prevent increase of rights.

45. In the Government of India letter No. 666 F., dated 21st August 1883, it was laid down that the record of rights should show as accurately as possible the extent of the rights now existing in the forests and the conditions under which and the localities in which they may be exercised; and that, while allowing a moderate increase or modification of the existing rights of the indigenous population, the record should prevent the indefinite growth of rights beyond what is now found to exist. The general conditions applicable to all the forests are described in paragraphs 65-67. Here an account is given only of the special means taken to prevent immoderate growth of rights in 1st class forests. The great rights in which alone an increase is apprehended are *1st* the right to manure leaves, dry and green; *2nd* the right to building timber; *3rd* the right of grazing. The other rights cannot increase to any material extent; more fuel may be required, but only the inferior trees mentioned by name in the record may be cut; more fodder may be required, but only certain specified trees may be lopped. In the case of manure, the time that fallen leaves (suhr) may be removed has been limited generally to two weeks in the year, and however much may hereafter be wanted, it must all be collected during the fortnight fixed, so that much damage cannot be done. Moreover, a very great increase in the demand for manure is scarcely possible, as it is limited by the area available for rice cultivation, nearly all of which has already been taken up. In Sahraj and Rupi where pines (not deodar) are lopped the time has been fixed, the size of the trees, and also the height to which they may be lopped (*vide* paragraphs 151 and 152). The record in regard to manure is in keeping with the proposals made by Dr. Schlich, which have been considered sufficient even for reserved forests.

Right to deodár, not admitted in 1st class forests.

46. The only tree at present valuable to the Forest Department is the deodar, and in no case has a right to deodar been allowed in a 1st class forest. The object of the Department is to convert all mixed forests as speedily as possible into pure deodar forests, and Dr. Schlich considered that it would in many instances be an advantage to remove timber other than deodar, and that Forest Officers should encourage the removal of such trees by the people of the neighbouring villages. It was under these circumstances unnecessary to fix the number of houses for which timber might be demanded, as this limit was

probably proposed by Dr. Schlich in anticipation of a right to deodar being allowed in 1st class forests. In order, however, that the measure of any increased demand for trees may in future be ascertained, the number of houses and of families at present existing in the hamlets entitled to building timber has been given in the record. This does not mean that there is no other area from which the hamlet can get trees. There are probably no rai trees in the 1st class forests, and the hamlets must go elsewhere for them; so also kail to some extent may be found outside. The record means that these hamlets have got timber in the past from these forests, that there is not sufficient timber outside to meet all their demands, and that some at least of the inhabitants must get trees from these first class areas. No trees for building purposes can be cut without permission and without being marked; so that it rests with the Forest Officer to give trees from the undemarcated waste so long as there are trees available in moderately convenient localities. Even hamlets with rights in 1st class forests will generally get some of their trees in 2nd class and undemarcated forests (*see* paragraphs 67 and 130-135).

Right of grazing how disposed of. Dr. Schlich's proposal carried out.

47. The right of grazing has been found the most difficult to dispose of, and though it has been specially treated, and limited wherever possible, it is in regard to this right that the Conservator has raised most objections. Dr. Schlich considered that it would be found sufficient to fix the proportion of the area that should always remain open for the exercise of this right, and that has been done in the case of each forest. The number of cattle, sheep and goats at present existing in the hamlets having grazing rights has also been recorded, not as a limit to the extent of the right, but as statistics from which it will be possible to judge of the increase at any future time. The record does not mean that the hamlet having rights in one forest must or does pasture its cattle only in that one forest. Many hamlets have rights in two forests, and in almost all cases there is some undemarcated waste to supply some part of the grazing requirements of the adjoining hamlets.

Reasons why no limit in time is imposed for cattle grazing.

In the case of cattle grazing, which has of necessity been allowed in almost every 1st class forest, no limit in time has been fixed, not because the cattle remain in the forest every day all the year round, but because no hard-and-fast rule can be made. The cattle go one week up the hill, the next week down; the lie of the snow, the aspect of the hill-side, the seasons, hot or cold, rainy or dry, determine the grazing-ground. In winter cattle are mostly stall fed; but they are taken out whenever it is possible, and the time they are kept at home all day depends entirely on the seasons, and cannot be fixed. They also graze for some time in waste near fields and outside the forests; but to fix the respective months when the cattle might be pastured in the demarcated and in the undemarcated waste would be an intolerable interference with existing usages. The fact that a hamlet does not graze in the forest all the year has not been lost sight of in fixing the extent of the existing rights and the requirements of the people in 1st class forests, but has been taken into consideration in fixing the area that may be closed. If all the cattle in the hamlets having rights of pasturage grazed in the 1st class forests all the year round, it would be impossible to close any part of the forests, whereas taking all the facts into consideration I have recorded that over one-third of the whole area may be closed against all rights.

Special arrangements for sheep and goat grazing; limitations in time and in place.

48. The subject of grazing sheep and goats has been specially treated in the 1st class forests. Wherever it was possible they have been entirely excluded, or an arrangement has been recorded in the case of adjoining forests, that one is open the other may be closed against sheep and goats. Ordinarily only the villages which lie very near to a forest are allowed to pasture sheep and goats in it; but in part of May and June, and again in October, the united flocks (chund, kandatar, or shal) graze for some time near the villages before and after the rains for the purpose of manuring fields, and for this custom provision has been made by fixing the time during which the united flocks may graze. So also in all cases where thaches have been included in the 1st class forests the time that sheep may be penned in them has been fixed. The statement in the margin will show what has been done towards excluding such grazing from the forests. Times exceeding 4 months have been fixed for a great many forests, as may be seen from the records. The matter is again considered at length in connection with the Conservator's objections to the record (paragraphs 74 and 75).

	Area in which no right to graze sheep and goats was admitted.	Area in which the right was admitted for only 4 months or less.
	Acres.	Acres.
Kulu Proper ...	1,654	1,270
Inner Sahraj ...	660	365
Outer Sahraj ...	1,380	6,000
Rupi ...	2,290	5,469
Total ...	5,984	13,104

49. In comparison with the other parts of the sub-division the area from which sheep are excluded in Kulu Proper is large. The figures are smallest for Inner Sahraj, not merely because the area of 1st class forests is least in that tract, but specially because the sheep and goats remain in their own kothis summer and winter. The total number in Inner Sahráj is comparatively small, and only the large

sheep owners, who are few, send their flocks in summer to the high grazing-grounds; those who have only a few sheep keep them at home, and so they are in the forests most of the year. In Outer Sahráj the circumstances are just the reverse of Inner Sahráj. The people are rich in flocks, but there is a large area of grassy waste open for grazing. The climate is such that the flocks cannot be kept at home all the year. In summer they go to Rúpi or to Inner Sahráj and in winter grazing is found on the bare slopes near the Sutlej; and it was therefore possible to exclude them for a longer time from a large area. Considering the large area of the Rupi 1st class forests, sheep are not excluded from so much as in Kulu Proper, but the undemarcated waste in Rupi is very small.

Grazing is not so injurious as it is often considered.

50. In reality, however, grazing does not very much interfere with natural reproduction. Mr. Lyall wrote that he had seen in Kulu an able Forest Officer attempting with very poor success to grow deodar in fenced land from which deodar had been recently cut; while near at hand, in land close behind a village, and of necessity grazed over more or less by cattle daily, natural reproduction of deodar was going on most successfully. Again, Mr. L. Dane, in recording the rights in reserves in Kulu Proper, wrote :—" Grazing does not do so much harm as it is generally supposed to do. Throughout the valley, wherever firing has been put a stop to and the situation is in any way favourable, the young growth of kail especially is coming up freely, and many places which have now been left out of the demarcation will in a few years be promising forests. And this occurs too where the most extensive grazing rights exist. I would not go so far as to say that grazing does no harm to the forest; but what I do say is that the trees come up notwithstanding the grazing, and that grazing by cows and bullocks, at any rate in moderation, does no great damage. These animals do not touch the trees if there is anything else for them to eat, and by the time the grass has been grazed off or has died out the trees are too large to be much damaged." I can fully corroborate the correctness of these statements, and the discussion in the " Indian Forester " for December 1882, March, April and May 1883, shows that Forest Officers also have found their experience to be the same. I am far from holding that grazing does no damage, but the facts show that the exclusion of grazing is not the *sine quâ non* to natural reproduction that is said to be. At any rate it seems clear that the presence of young growth does not show that no grazing exists in the forest, but that inference is sometimes drawn (*vide* paragraph 76).

Area that may be closed in 1st class forests.

51. For each 1st class forest the maximum area that may be closed at one time against all rights was fixed in consultation with Mr. Smith, who agreed with me in thinking that a larger area could not be closed, regard being had to the rights; and he is moreover of opinion that the proportions fixed will give sufficient control over the forests to secure their maintenance and improvement under ordinary circumstances. He considers, however, that in special cases Government should have authority to close areas exceeding the recorded maximum; for instance after a destructive fire which has left the neighbouring villages with much better grazing-ground than they had before, so that a smaller area than has now been allowed would suffice for their wants. But if Government can dispense with the maximum, the people also will claim a similar right when their cattle have largely increased after a long period of freedom from disease, and the maximum might thus be set aside just when it would be of most use.

	Maximum area that may be closed at one time.	Percentage of the whole area.
	Acres.	
Kulu Proper ...	3,442	27
Inner Sahraj ...	3,383	34
Outer Sahraj ...	6,710	40
Rupi ...	12,790	39
Total ...	26,325	35

Meaning of the record in regard to closing.

52. The area has been fixed with reference to present circumstances of the country, the present number of cattle, the area of undemarcated forest and of 2nd class forest, and the extent of the rights to be satisfied from the 1st class areas. It is the area that might be closed now if the necessity arose, and also for some years to come if the increase of rights is normal or the changes in their exercise moderate. In my opinion it should be considered one of the rights of Government to close up to this maximum, whatever may be the future demands on the forest, and even though rights in consequence of excessive increase may not be fully provided for in the open area. A time may come when the maximum area now fixed will exceed what may be closed under the conditions of section 29 (*b*) of the Forest Act; but still with the record, as I understand it, it would be possible for Government to close up to the maximum. It is not, however, contemplated that the power to close should be exercised except when necessity arises, and then only after enquiry. It will in many cases be impossible to close the whole area in one compact block; to do so would often cut the right-holders off from the open portion.

53. Out of a total area of 71,970 acres it is estimated that 26,325 acres may be closed, or 37 per cent. Dr. Schlich considered that not less than a third should be liable to closing in all forests; but in some parts of Kulu Proper and Inner Sahraj it was found impossible to fix so large a proportion; whereas in other places a half was fixed, the result being that on the whole rather more than one-third can be closed. Areas in which few rights existed and where closing was easy, have been made reserves. The 1st class forests are burdened with rights, and in them closing is difficult. Outer Sahraj stands first because the undemarcated waste is large; Rupi is almost equal to it, though the outside waste is small, because the number of the population and of the cattle is less; and Kulu Proper, which has half the cultivation of the whole sub-division, comes last.

Proportion of whole area that may be closed.

54. Hitherto very little has been done in closing forests against existing rights. Mr. Duff made an attempt to exclude sheep and goats from the Nagar Forests, and also from Borsu, but not with much success. With a small establishment and forests near villages, it will in Kulu always be exceedingly difficult to close effectually without a good fence, which renders such operations very expensive. In places not near houses pillars at short distances and lines cleared between them may be found sufficient. The area closed for cultural operations from 1870 to 1880 was little over 400 acres. In the course of the present enquiry it was extended to 1,331 acres, divided as in the margin. This is the area in which artificial means have been taken for the reproduction of the forest. Of the total area, 561 acres, or between one-half and one-third, are in kothis Monali and Jagatsukh alone, where operations have always been more active than in the rest of the valley. There will be no difficulty whatsoever in closing much larger areas than can be artificially planted out; and in likely places, especially where considerable areas in compact pieces can be closed, that should be done, not for the use of artificial means, but to see what nature will herself do. For the areas closed in protected forests a notification under section 29 (*b*) is necessary (*vide* paragraph 185).

Area already closed for cultural operations.

Areas closed for artificial reproduction.	A. R. P.
1st Class Protected Forests... ...	714 1 21
2nd ditto ditto	35 0 0
Undemarcated	18 0 0
Total in Protected Forests	767 1 21
Reserved Forests (including gardens)	564 0 0
Total	1,331 1 21

55. The total area of the demarcated protected forests is 468 square miles, of which 116 square miles come into the 1st class and the remaining 352 into the 2nd class. This area is forested, and lying above it are the grassy plains and eternal snows, with an area of over 700 square miles. These forests contain in some places kail, but they consist almost entirely of rái, tos, mountain oak and birch. They are not at present of any value for purposes of export, but there are walnut, box, yew and maple in large numbers in them, and at some future time the demand for these ornamental woods may increase, especially if the means of carrying them to the market becomes less expensive. But these inferior forests are of as much use to the people living near them as if they were 1st class, and they are of special value for sheep and goats.

Area of 2nd class Protected Forests.

	Area wooded in square miles.	Area bare in square miles.	Total area in square miles.
Kulu Proper ...	123¼	232¾	356
Inner Sahraj ...	76¼	65½	141¾
Outer Sahraj ...	37½	21½	59
Rupi ...	115	390	505
Total ...	352	709¾	1,061¾

56. The records for these forests are not prepared with the same detail as in the 1st class forests. No time has been fixed for the removal of dry and green leaves for manure, but the same restrictions on the extent of lopping kail, chil, rai and tos have been imposed as in the 1st class forests. The trees that may not be cut without permission have been enumerated; they are the 20 kinds which it is proposed to make reserved trees (paragraph 182). It has also been recorded that Government may at any time add other trees and shrubs to this list, but in doing so the *boná fide* requirements of the people must be considered and provided for. Deodar may be given to zamíndars from these forests on payment of the reduced rates. A great part of the record consists of lists of the grazing runs (gahrs and nigahrs) with the names of the right-holders. The nigahrs or higher runs are always above the forest limits, but the rights in them have been recorded for the satisfaction of the people. The general conditions referred to in paragraphs 65—67 are applicable to these as to all forests.

Records for these forests.

57. The right of Government to close a portion of these forests has been recorded subject to the condition that there is sufficient open waste for the due and convenient exercise of the recorded rights. They are generally so situated that closing presents few difficulties as

Closing in 2nd class protected forests.

compared with the 1st class forests; but, on the other hand, closing is as a rule not required. A third part of all these forests might at present be closed, and that proportion will always be sufficient to prevent denudation, and to re-stock a forest after a fire. In closing, sheep-grazing must be specially considered, as the runs are divided among the hamlets of the kothis, and closing should be arranged so as not unduly to curtail the grazing of any hamlet.

Nature of undemarcated area.

58. The 3rd class or undemarcated protected forest includes not only the oak and birch forests at high elevations on southerly slopes which were not worth demarcating and run little or no risk of damage, but also the deodar and kail patches near villages and cultivation which for various reasons could not be included in the neighbouring forests. These patches are in many places of more value to the people than the demarcated forests, and, as demarcation has been found impossible, all the more care should be taken for their preservation. In some places suitable for cultivation the forest will disappear; but, on the other hand, the area of forest as opposed to mere bare waste is likely largely to increase. The stopping of fires has already clothed once bare slopes with luxuriant young kail, and it is probable that much that has now been left out as bare waste, or as having only a tree here and there, will in the next ten years be forest of young pines, such as has in many places been included in the present demarcation. I have pointed out in the detailed account of the forests that in several places deodar and kail are driving out cultivation, and this is often not to be regretted. Where there are a few fields in the middle of what would otherwise be a compact forest it is better for the landowners and for the forest that the cultivation should be given up. In such cases lopping the trees on the edge of the fields does little good, for the taller trees at a distance cast a shadow over a part which is then allowed to lie fallow and soon becomes a nursery of young deodar. In these places, unless the neighbouring trees are cut down, the cultivation will disappear of itself, the forest will become compact with regular boundaries, and fields will be confined to certain limits. In the course of the present demarcation many fields inside forests or on their edge have been given up, rendering it possible to extend and strengthen boundaries. But in Nagar Kothi and elsewhere it was necessary to exclude valuable forest, because it was intersected with cultivation. At the next Revenue Settlement such cultivation will often be abandoned, and the present irregular boundaries may then be improved, and thus by a natural and gradual process the forests and the fields will separate off from each other. Near the better deodar forests the Forest Officer should be ready to acquire such fields either by giving compensation, or better still by giving in exchange some bare piece of land suitable for cultivation.

Demarcation in Rupi is final, but not so in the rest of Kulu.

59. The demarcation made in Kulu (exclusive of Rupi) is not necessarily final. There is no intention of making any change in the status of the undemarcated area. There is a tendency, however, to sacrifice the outside forest in order to acquire greater power over the demarcated area. Dr. Brandis would exclude from the forests near villages, that is from most of the deodar forests, an area sufficient for the grazing requirements of the people, in order to be able to close the rest. Dr. Schlich would confer on the Negis almost unlimited authority over the undemarcated area. This policy, however, has never been supported by any of the local Forest Officers, and in the interests of the people themselves I am opposed to it. Every effort should be made to preserve trees on the banks of the Beas and near villages, and so far as cutting is concerned the same restrictions should apply as in the demarcated forests.

In Rúpi it is intended to confer the proprietary right in the undemarcated waste on the Rai subject to certain conditions. Government should, however, retain its rights in the trees, and should enforce the same rules for their preservation as in the rest of Kulu (paragraphs 106 and 107). If the trees remain as now the property of Government, the undemarcated waste may still be declared protected forest under section 28 and rules issued under section 31. There is no reason whatsoever why the people of Rupi should be allowed more extensive rights than are enjoyed by the people of the rest of Kulu; and the rights now admitted are the same for all.

Record of rights in undemarcated forests.
Non-agricultural residents.

60. In the record of rights for the undemarcated waste, it was impossible to specify who exercised the rights, as the area was undefined; but it is provided that those proprietors and tenants that have hitherto exercised any rights may continue to do so. Non-agricultural residents, that is, residents who are neither proprietors nor cultivators of land, have been allowed to graze their cattle, sheep and goats, to collect dry fuel and to cut grass in the undemarcated areas subject to withdrawal in case of abuse. These are not rights, for the very foundation of the settlement is that forest rights are appendant to revenue-paying land. Shop-keepers and other non-agricultural residents use the waste only on sufferance. The number of those that have no land is small, and it is unnecessary to allow them any privileges in the demarcated areas: there is enough outside to meet their requirements.

Special rights in undemarcated waste.

61. The rights allowed in the undemarcated forests are the same as in the 2nd class demarcated forests, with two exceptions,—(1) waste land may be cleared for cultivation; (2) grass lands may be burned; but in both cases the permission of the Assistant Commissioner or Forest Officer is necessary.

62. One of the main objects of the demarcation was the separation of land that should always remain as forest from land that might ultimately be brought under the plough. Hence the breaking up of waste land in the demarcated forests is absolutely prohibited, but in the outside areas new cultivation will be allowed in certain cases. The permission or "patta nautor" is given by the Assistant Commissioner, who generally consults the Forest Officer as to the expediency of allowing any particular piece of land to be cultivated, and this procedure should continue. The small patches of forest—too small to demarcate, yet large enough to supply many of the wants of the neighbouring villages,—should not be brought under the plough, especially if any valuable trees are standing on the land. It is of much more importance to the Kulu people that they should have waste land conveniently situated for grazing and for the supply of fuel, fodder and building timber, than that scattered patches of land generally very steep and fit only for the growth of the poorest crops should be cultivated. It will be much more profitable to improve the area already cultivated by levelling and terracing than by breaking up land from which a crop can be taken only every second or third year. Cultivation cannot extend to any great extent, and the restrictions on its extension imposed by the present demarcation cannot be felt for many years to come, if ever. The special provisions for new cultivation in Rupi will be found at paragraph 107.

Extension of cultivation allowed in undemarcated waste.

63. Before the present Forest Settlement it was understood that grass lands in Kulu Proper and Waziri-Rupi should not be burned without permission; but the rule was not acted on, and burning was carried on sometimes with, but generally without, permission. In Inner and Outer Sahraj the rule was never applied; but in all places it was customary to burn the grass only at the season when snow was lying on the higher hills, so that there was less risk of the fires reaching the forests. Mr. Brandis (*vide* Bashahr Report, paragraph 51) was of opinion that "there was no object whatever in preventing the burning of the lower grass lands below the level of deodar, even if there should be small forest tracts included in them." Though in this respect the circumstances of Kulu and Bashahr are very similar, still in my opinion burning of grass land should not be allowed without permission. My object in this is to prevent the setting fire to grass in the reckless manner now prevailing, to secure the presence of a certain number of persons in preventing the spread of the fire if a high wind should spring up, and to confine the fire in all cases within limits which will protect isolated clumps of trees. It may not be possible to raise deodar or even kail on the lower slopes, but chil will almost always come up. Again, there are many places where extreme denudation has caused landslips, as in the Gopalpur Kothi of Plach, and where burning should not be allowed, or if allowed should be confined to the very lowest parts of the valleys. In the demarcated forests burning has been absolutely prohibited, and in other areas it should be allowed only for defined limits and on all persons interested in the burning becoming responsible that the fire shall not spread beyond these limits. In Outer Sahraj, where the grassy slopes above the Sutlej are very extensive, burning can be allowed in many places. It is generally the large shepherds who bring their sheep from Naraingarh and the upper kothis to graze in winter that want to burn the grass, and not the people of the neighbouring villages. In cases of unauthorized burning the enquiry should be directed to discover who has benefited by the fire, as the real culprit who lives at a distance may get off and the innocent villagers who live near may be punished.

Burning of grass land allowed in undemarcated waste subject to conditions.

64. It is understood that the undemarcated forests will remain open, and the area that may be closed in the 1st class forests has been fixed on that understanding. If, however, for special reasons it is considered necessary to exclude grazing or other rights from any small area, that may be done even in the undemarcated forests, which will also be declared protected under Chapter IV of the Act. In the notification under section 29 (*b*) (*vide* paragraph 185) an area of 18 acres of undemarcated forest is included, being 3 acres for a plantation in Khokhan Kothi on the Beas, and 15 acres, a landslip in Raghopur, which it is intended to afforest.

Closing in undemarcated forests.

65. The basis of the settlement is that all rights are appendant to cultivated land, and can be acquired and alienated only with the land. The rights can be claimed only in proportion to the area cultivated and the revenue assessed on it. The rights may be exercised only for the *bona fide* domestic and agricultural purposes of the right-holders, who may not graze the cattle of others with their own, nor lease out their own right of grazing. No claims can be made for the supply of the requirements of tea or other industries, nor under pretence of cultivation can any one establish a sheep farm. With some trifling exceptions, which will be considered later on, no forest produce can be sold or bartered. Moreover, in order to prevent any flagrant case of inequality between the revenue paid and the demands on the forests (say in the matter of grazing) power has been reserved to Government to fix the actual extent of the right whenever it is considered necessary to do so. It may be said that as the rights vary with the revenue which is constant, the rights of all must become fixed when those of one

General conditions applicable to all protected forests; cultivation the measure of rights.

Alienation of forest produce prohibited.

are fixed. That would be true if each cultivator in Kulu was in the same position as regards the nature of his cultivation and the situation of the forests. The demands of irrigated are not the same as of unirrigated land; the requirements of a cultivator in Monali are not the same as of a cultivator in Bajaora, even though each may pay the same revenue. If in any cases the actual extent of any right is hereafter fixed, they will form precedents, applicable to other cases where the circumstances are similar, and ultimately, as information is collected, a rule may be framed which will amount to the strict definition required by Chapter II. The rule would thus be introduced gradually and be the result of much experience. This is very different from the procedure under Chapter II which requires rights to be defined once for all, and that on very imperfect information.

Minor forest produce may be sold.

66. Mr. Lyall wrote of the Shahpur-Kandi Forests (and the remark applies equally to Kulu) that "Mr. Barnes intended that the village proprietors should be allowed to sell any wild fruit or roots of value which the forests might produce." The people have an absolute right to such articles, which they may sell or barter; but the right does not extend to firewood, torches, grass, &c., which are sold at towns and encamping-grounds. In the record it has been laid down that bamboos, fruits, flowers, medicinal roots and leaves may be sold without restriction; but that firewood, torches and other such forest produce may be sold only during the pleasure of Government. With these exceptions no forest produce may be sold or bartered.

Special conditions as to building timber.

67. The general conditions also lay down that trees for building purposes may be refused when right-holders applying for them have already got suitable buildings in reasonably convenient localities and of size sufficient for their requirements. This will apply to all cases of applications for trees for new houses in consequence of partition and it will also enable the Forest Officer to dispose of most applications for trees arising from the purchase of land. For instance, if a new settler wants timber free or deodar at the zamindari rate to build a house on land he has acquired, the application should be refused if the seller of the land has already got a house; and as in almost all cases he will have a house, new settlers will be obliged to buy at the market rate the timber they require. Again, houses for which trees are given free or at zamindari rates must be constructed within the local limits of the hamlet in which the land on account of which the trees are given is situated. For instance, a zamindar may have land in Nagar and also in Bajaora; he is entitled to trees from the Nagar Forests on account of the land in that kothi, but he may not carry the timber from Nagar to Bajaora.

No great influx of settlers is anticipated.

68. I do not anticipate such an influx of settlers as need cause any apprehension for the safety of the forests. New rights cannot spring up as a list of existing rights has been prepared for all classes of forests, and a rule has been made that only rights recorded may be exercised and subject always to recorded conditions. New industries will not be provided for from the forests. The existing rights may somewhat increase or be modified to some extent, but the conditions will prevent any inordinate demands. It is not considered either expedient or necessary to make any rules for European settlers in the valley. The records and rules will apply equally to all, and will probably be found to cover all cases. Applications for timber by such settlers have been satisfactorily disposed of by the Forest Officer, even without the records and rules, by treating them in exactly the same way as all other applications. (*Vide* Appendix XV.)

Prevention and punishment for fires under Chapter IV.

69. It is one of the objections to Chapter IV as compared with the Rules of 1855 and with Chapter II that it nowhere lays down the principle of the joint responsibility of all right-holders in regard to fires. Section 78 provides for their punishment if on demand they fail to assist in putting out a fire, and, if there is reason to believe that it was the work of an incendiary, the right-holders can be punished if they do not render effectual assistance in discovering the offender. But these provisions are not equal to the penal suspension of rights under section 25, nor to the existing rule which renders all villagers, owners and occupants of land responsible for conflagration occurring within their bounds, whether accidental or not, and by whomsoever caused, and makes them liable to punishment. I quite agree with the following note on this subject which was sent by Mr. Dane, Assistant Commissioner:—"The real offender can hardly ever be detected from the nature of the offence, and if no penalty can be enforced against all right-holders, the offence will practically remain unpunished. Again, by section 78, right-holders are only bound to assist in putting out fires on the demand of a Forest or Police Officer. They should be obliged to go and put out the fires at once, as it must often happen that there will be no Forest or Police Officer on the spot to make the demand. The present provision in the Rules of 1855 enforcing the joint responsibility of right-holders works well, and is undoubtedly a strong check on the carelessness which generally gives rise to such fires. If some such provision cannot be inserted, at any rate I think right-holders should be bound to assist in putting out and preventing fires without or on demand of a Forest or Police Officer. The question of fires is of far more importance than grazing, as trees grow wonderfully even in fully grazed forests; but where firing is pursued, there can be no reproduction, and unless some stringent measures

are enforced the people will fire to ensure a ready supply of grass for their flocks. Total or partial deprivation of right might be the penalty inflicted in the case of a fire which appeared to have been intentionally allowed to spread. The scene of the fire will almost invariably show whether the fire was a pure accident or allowed to go on intentionally, and this penalty should be enforced against all right-holders." I have several times mentioned the very rapid spread of kail over bare slopes and the naturally vigorous growth of forest in Kulu; but, had not fires been stopped in 1869 by Mr. Ribbentrop, natural reproduction would have been almost unknown; and so long as they are prevented, there need be no apprehension as to the supply of timber for local purposes and also for export.

Rights admitted may be suspended in cases of wilful neglect to extinguish fires.

70. In the records of all the protected forests an entry has been made that the rights are admitted subject to the condition that all right-holders shall render every assistance in extinguishing any fire occurring in any forest within which they have rights, whether called upon to do so or not and in cases of wilful neglect Government may order that all or any rights within specified limits be suspended for any time it considers proper. Though the principle of joint responsibility is not referred to in Chapter IV, there is nothing to prevent provision being made in the rules for enforcing the conditions recorded under section 28, which are attached to the exercise of the rights. The suspension of certain rights, *viz.*, the collection and removal of all forest produce, may be effected by notification under section 29 (*c*); and I hold that Government has a right, apart altogether from the Forest Act, to suspend the rights of private persons who abuse such rights, or who fail to fulfil the conditions under which such rights may be exercised. Sections 29 and 33 do not apply to this right of the State, which has been duly recorded under section 28. Not to close a forest after a fire is to let the thief retain the stolen property. The object is to stimulate the growth of grass, and if the object is attained fires will increase. The provision now recorded, along with section 32 (*d*) (*e*), will effectually protect these forests against fires, for the list of reserved trees (for the preservation of which section 32 makes special provision) contains practically all the trees of any value, and even a small area could not be burned without damage to some of them.

Cultivation included in the forests.

71. In many forests it was found necessary to include pieces of cultivation and even whole hamlets in the demarcation when it would have very much reduced the area of the forests to exclude them. The record of each forest shows what land held in proprietary right was included and how the right has been disposed of, whether it was abandoned or admitted and continued.

Area of cultivation included in demarcation.

	Reserved.	Protected. 1st Class.	Protected. 2nd Class.	Total.
	A. R. P.	A. R. P.	A. R. P.	A. R. P.
Kulu Proper	3 0 3	83 0 0	10 2 7	96 2 10
Inner Sahraj	0 0 3	40 1 22	11 0 28	51 2 13
Outer Sahraj	2 2 11	11 0 31	1 2 36	14 1 38
Rupi	18 1 7	156 1 16	34 3 2	209 1 25
Total	23 3 24	290 3 29	57 0 33	372 0 6

Grass land included in Rupi demarcation.

	A. R. P.
* Reserved forests	8 0 28
First class protected	86 3 18
Second class protected forests ...	100 1 35
Total	195 2 1

In Kulu Proper, Inner Sahraj and Outer Sahraj most of the grass land included in the demarcation was not recorded in the names of individuals, but in Rupi grass land held in proprietary right has often been included, amounting in all to 195 acres distributed as in the margin.*

Wherever grass land was included, the right to cut grass has been admitted and continued; expropriation was not necessary. In the case of cultivation, especially in the case of small outlying patches on which no houses were standing, it was sometimes possible to acquire the land by giving in exchange waste land lying outside forest limits. The

people were allowed to select the piece they wanted; they were not limited to the area of cultivation included in the forest, nor was any objection raised even though a few trees might be standing on the land selected. In this way, out of the total area of 372 acres included, 69 acres were voluntarily abandoned. Of this, 32 acres paid revenue, for the remission of which arrangements have been made; 37 acres were either unassessed new cultivation or attached to temples and held rent-free. One small piece was given up in Waziri-Rupi, and the revenue was remitted by the jagirdar. The cultivation abandoned in Inner Sahraj was only a few acres; none was given up in Outer Sahraj; 66 acres were given up in Kulu Proper. In Inner Sahraj there was a difficulty in getting suitable waste to give in exchange, but in Outer Sahraj something might have been done, as there is sufficient open waste fit for cultivation. In no case was pressure brought to bear on the people to make them part with their land; the Land Acquisition Act was applied in purchasing three acres in Monali near the Forest Bungalow, but that was the only instance of expropriation, and it was more voluntary than compulsory. The Forest Officer should always be ready to acquire the cultivation included in the forests, and probably in the new Settlement some of it will be given up, especially if waste land is given in exchange. There are no proper maps of the cultivation in Kulu, and it is highly probable that some patches of fallow land, cultivated only occasionally, may have been overlooked and been omitted from the lists prepared.

In Rupi the area of cultivation and of grass land included in the forests is very large, and as there are two parties to be dealt with in acquiring it, no arrangement could be come to for the voluntary abandonment of the cultivation except in the case of half an acre included in the Raila Reserve. The Rai is superior proprietor, and entitled to all the land given up by cultivators. He is also entitled to the revenue, so that it is his interest that all the land should remain under cultivation. Moreover, the greater part of the land is so situated that it will never be willingly given up even by the inferior proprietors, for the 209 acres is in great part attached to five hamlets, which are entirely within forest limits.

The area of cultivation remaining in the forests will be found in the following statement:—

Cultivation remaining in the forests.

	Reserved.	Protected.		Total.
		1st Class.	2nd Class.	
	A. R. P.	A. R. P.	A. R. P.	A. R. P.
Kulu Proper	...	25 2 9	5 0 6	30 2 15
Inner Sahraj	...	38 2 17	10 0 28	48 3 5
Outer Sahraj...	2 2 11	11 0 31	0 2 36	14 1 38
Rupi	17 3 18	156 1 16	34 3 2	208 3 36
Total ...	20 1 29	231 2 33	50 2 32	302 3 14

72. It is common in some parts of Kulu, especially in the upper kothis, to grow sarson and bhang in the thaches with sunny aspect. It is not a right belonging to an individual; any one of those entitled to pen sheep in the thach may take possession. The seed is sown in Sawan, after the sheep have left, and the crop is cut in Assauj, being used generally as a vegetable, for the elevation is too great and the time too short for it to ripen. In some places the proprietary right in the thach has been recorded in the Revenue Settlement, and in these cases the right has been admitted in the Forest Record; but generally it was not so recorded, and cannot be now claimed as of right. There did not appear, however, to be any very urgent reason why the practice should be stopped, and in the record of the 2nd class forests the custom has been entered. It is not recognized as a right, but has been allowed subject to the conditions that the cultivation must be confined to its present limits and that it may be stopped by the Assistant Commissioner if abused. There are very few thaches included in the 1st class forests, and even if in any of them the custom has existed, it should not now be allowed. Cultivation in thaches of Rupi not recorded at the Revenue Settlement has not been allowed.

Cultivation in thaches.

73. The records of Kulu Proper and of Inner Sahraj, and also draft rules for the management of all the forests, were submitted for approval in the beginning of 1884. The Report then submitted is superseded by the present, but the records remain as before, and those of Outer Sahraj and Rupi have been prepared on the same lines (see paragraph 44), and the objections raised in 1884 by Mr. Ribbentrop, then Conservator of Forests will, if they are valid, apply to the whole of the sub-division. These objections appear to have been made without examination of the records, in ignorance of the facts, and of the position taken in regard to the Settlement by his predecessor, Doctor Schlich.

Objections to the records prepared.

74. The Conservator writes :—"These rights are not exercised in the unqualified way they have been recorded, and the very existence of the forests and the present state of reproduction is sufficient proof that the records of rights do not, as they stand unqualified by any remarks, represent the existing facts of the case. . . . . . No restrictions whatsoever are placed on the exercise of the right of grazing, but an eventual closing of a certain portion. . . . The facts of the case are that most of these forests are resorted to for a few weeks or even days only and in my opinion this ought to be stated in every case." I have already explained that no limit in time was or could be imposed in the case of cattle; but in order to remove any misunderstanding as to the meaning of the record, I have added a note that wherever a limit in time has not been imposed on the exercise of any right, it does not of necessity follow that the right is in reality exercised every day all the year round, but it implies that the periods during which the right is exercised depend on circumstances so various and changing that it is impossible to fix them. The statement that sheep and goat grazing was unrestricted in time simply ignores the record and is quite inaccurate (*vide* paragraphs 47—49). I shall give in detail the figures and facts recorded for Kulu Proper. The sum of the sheep and goats shown in the record of each forest is 62,486,* and for the present I presume that there are so many and that none have been counted twice. Of this total the record allows 27,885 to graze for one month only, 11,760 for two months only, 5,594 for three or four months, and 2,442 for a *fixed* period exceeding four months; so that in regard to 47,681, or over 75 per cent., a time was fixed and almost half is allowed to graze for only one month. Take the case of Brunu Dhar Forest No. 9, in which from its proximity to a large stretch of rice land more extensive sheep grazing has been admitted than in any other forest. The total number allowed to graze in it is 16,144, or one-fourth the total for Kulu Proper; but how have they been restricted by the record? The sheep of Jagatsukh (555) may graze three months; of Gojra (359) one month; of Banara (327) two months; and the remaining 14,903 only during Jait, in which month rice land is manured. I could give good reasons for the times fixed for each hamlet. Again, take Jumari Dhar, No. 8, which also lies near rice cultivation. Here the total number of sheep and goats is 10,916. The sheep of Shuru (588) are allowed into the forest for five months, and the remaining 10,328 only for the month of Jait and in Baisakh for manuring the ori or nurseries for young rice, which can be done in a few days. It will also be noted that these 10,328 sheep and goats are allowed to graze in Brunu Dhar also during Jait, and as they can be in only one forest at one time, it may be calculated that 10,328 sheep and goats have a right to graze only a fortnight in each forest. These are facts in the records which the Conservator had before him, and I fail to see how he can assert that no restriction whatsoever was imposed.

Restrictions on grazing.

Record examined for Kulu Proper. Restrictions in time.

Again, in adding up the number for each forest, the same sheep have been counted twice or oftener, depending on the number of forests in which the same hamlet has rights. For instance 10,328 sheep and goats have been counted twice in the forests referred to in the last paragraph. The actual number instead of being 62,486 is only 36,814, and of this number one-third may graze only for one month, and the time for many others has been fixed. The number of cattle also is reduced in the same way from 11,782 to 10,257.

Moreover, besides the restriction in time, sheep and goats have been entirely excluded from an area of 1,654 acres, and notes have been added in the record showing how sheep grazing can be specially treated in closing. For instance in Forest No. 10, I write "if the part of the forest on the Karnoi Nal is open to sheep and goats, the rest of the forest may be closed, &c." and so in other cases.

Restrictions in place.

75. In Inner Sahraj the total number of sheep after deduction of those counted twice is only 10,088, and a time has been fixed for 2,486. As explained in paragraphs 48-49 less could be done in this respect in Inner Sahraj than in Kulu Proper; but special arrangements for closing against sheep and goats were recorded in many

Restrictions in Inner Sahraj, Rupi and Outer Sahraj.

* NOTE.—The number given by the Conservator is 55,585, but the figure in the text is correct.

forests—*see* Inner Sahraj Forests Nos. 6, 19, 20, 21, 23, 24, 25, 32, &c. The number of cattle is reduced from 8,676 to 6,192 by deducting those counted twice. In Rupi out of 16,519 cattle and 42,156 sheep and goats, 8,364 cattle and 18,723 sheep and goats have not been allowed to graze in the 1st class forests, though the demarcation in almost all cases comes very near to villages. I have already shown in paragraphs 48-49 that the restrictions in Outer Sahraj are larger than in any other part of Kulu.

Grazing and natural reproduction.

76. The argument that the forests would not be in existence if so many cattle, sheep and goats grazed in them is merely begging the question of the evil effects of grazing (*vide* paragraph 50), and when it is applied to the whole of Kulu the fallacy is apparent. The area of mountainous and forest grazing-ground allowed in the Alps for one cow is 18 acres, and ten sheep are considered equal to one cow (Baden-Powell's Jurisprudence, page 133). In Scotland it takes from 3 to 8 acres to feed one sheep (Crofter's Commission Report, pages 86 and 100), and there also on an average ten sheep are considered equal to one cow. Suppose that for Kulu 10 acres is enough for a cow and one acre for a sheep and goat, being half of what is allowed in the Alps, and less than a third of what is allowed in Scotland, and there will just be enough grazing for the 99,156 cattle and 196,005 sheep and goats, on the absurd supposition that here is no snow, no rock, and that the whole area of the waste is available for grazing. Some flocks no doubt go to Lahul, but on the other hand many come from Suket and Mandi, and the Gaddis remain also for some time in the valley. In spite of all this grazing, as to the existence of which there can be no question, the forests are gradually improving, and since fires have been stopped the improvement is most marked.

Special case of the Hamta Grove.

77. Mr. Ribbentrop has referred to the Hamta Grove area some 15 acres, in which the large Prini village has been allowed right of pasturage. In my opinion (*vide* paragraph 40) this forest should not have been demarcated; but being demarcated, there was no course open to me but to allow grazing in it to the whole village close to which it lies. But the conclusion drawn by the Conservator is entirely the result of a misunderstanding as to the meaning of the record. The grazing of this village is not confined to the grove, as he imagines. If he had examined the records, he would have found that Prini has full rights in Hamtagahr, 2nd class forest, and it has also got some undemarcated waste. It is manifestly absurd that this patch could supply all the grazing required by this village, and the records prepared show that such was not intended. The record simply means that Prini village has in the past pastured its cattle in this grove at any time it pleased, and that it may do so in the future.

New rights allowed in the record.

78. Again, the Conservator asserts that I have approached the subject of the record of rights, not with the intention of recording existing facts, but of conferring new rights or of making changes in the mode of exercising existing rights; and in proof of this he alleges that I have seriously considered the advisability of admitting buffalo-grazing as a right, though no buffaloes exist at peresent in Kulu. If this charge were true, it would vitiate the whole record: but to show how utterly unfounded it is, I take the case the Conservator has himself referred to (*see* paragraph 124). If there were no buffaloes in Kulu when Mr. Ribbentrop visited it in 1884, it was because they had actually been expelled in accordance with my decision that no right to pasture them existed. They had been in Kulu, and the question arose whether they had any right there, and any doubt I had on the subject was amply justified by the fact that the Assistant Commissioner was inclined to let them remain, and that since they were expelled the Commissioner has expressed an opinoin in favour of their being re-admitted.

New restrictions imposed.

79. In paragraphs 2, 3 and 6 the customs found existing in the forests, at the commencement of this enquiry, have been described, and if the present Settlement had meant simply a record of rights, the old well-established prevailing customs should have been recorded without any new conditions or restrictions. But it is scarcely necessary to point out, at least to those who have any knowledge of Settlement work, that the mere record of rights hitherto undefined must introduce more or less change. My object in all cases was to limit and restrict as far as possible the exercise of rights in 1st class forests, that is, to provide wherever practicable for existing rights in the 2nd class and undemarcated areas, and to admit them in the deodar forests only when absolutely necessary. The following restrictions have accordingly been imposed in the 1st class forests which were not in force before the present enquiry:—

(1) Sheep and goats have been excluded from areas where they have hitherto grazed.

(2) The right to collect fallen leaves for manure has been disallowed at times when it has hitherto been exercised.

(3) The right of lopping pines to the top has been refused, though that was formerly the custom, and small trees may not now be lopped though formerly there was no limit.

(4) The right to lop pines for manure has been limited in time, though formerly there was no restriction.

(5) The right to cut many trees without permission has been denied, though these trees have hitherto been cut without the permission even of the Negi and Rakha.

(6) The right to deodar even on payment has been refused, though formerly such trees were given.

(7) The right to cut dry standing trees has been refused, though it was formerly exercised.

These facts prove that no new rights have been conferred on the people, and that the more accurate definition of existing rights has resulted, not in an increase, but in a most marked diminution of the power formerly enjoyed by the people.

Objection to cutting dry standing trees. Trees on fields.

80. The objection made to the permission given to cut dry standing trees in the 2nd class and undemarcated forests is considered in paragraph 158. The record as prepared by me was approved by Dr. Schlich; in fact he noted on my first draft of the rules that this right should be allowed. The next objection to the grant of deodar trees from 2nd class and undemarcated forests on the ground that it is an innovation has been discussed in paragraph 137. It is surely enough that Dr. Schlich in paragraph 15 of his suggestions made no objection, and himself proposed certain zamindari rates to apply to such grants. The real innovation is not in allowing the right, but in restricting it to the less valuable forests, though it has hitherto been enjoyed in all except the old demarcated forests, which form only a small part of the present 1st class areas. The objection to the rules for trees on fields are considered in paragraphs 190—192. Here again Mr. Ribbentrop is opposed to Dr. Schlich, and moreover seems to have overlooked the fact that his proposal to allow no deodar on fields to be cut without the Assistant Commissioner's permission is exactly what the rule to which he objects laid down. His estimate of the value of forest rights and their connection with the Land Revenue Settlement are referred to in paragraph 166.

Comparison of present Settlement with proposals in Joint Report.

81. The proposals of the Joint Report of Messrs. Brandis, Baden-Powell and Stenhouse have been set aside under the orders of the Government of India on the ground that the area now demarcated is much larger than was contemplated in it, being 530 instead of 156 square miles. These proposals were not found to be insufficient for the permanent maintenance of the forests, but it was apparently presumed (on the principle that large demarcation implies limited restriction on rights) that an area more than three times as large as was contemplated in the Joint Report could not be treated in the manner laid down in Chapter IV of that Report. It is still considered by Forest Officers a standard showing how the Kulu Forests can and should be maintained; and I propose to show that my treatment of the large area now taken up not merely comes up to that standard, but in many respects defines the rights more accurately and limits them more strictly.

Classification of forests and restrictions proposed in Joint Report.

82. The area proposed for demarcation was to be divided into two classes:—

1st.—Forests which were to be put on the same footing as the old demarcated areas (paragraph 64, Joint Report), in which certain limited rights were to be admitted, subject to the understanding that rights might be excluded from portions closed and fenced.

2nd.—Forests in which the existing practice and rules were to continue (paragraph 65).

The general restrictions applicable to all these forests were these three—

(1) Prohibition of extension of cultivation.

(2) Prohibition of fires.

(3) Closure of areas selected with the concurrence of the Civil authorities.

These restrictions have now been made applicable to the whole area demarcated, *viz.*, 530 square miles.

Greater restrictions applied in a large area.

83. The rules prevailing in the old demarcated forests at the time the Joint Report was written are given in paragraph 2 of this Report. These rules were to be made applicable to about one-third of the 156 square miles, or even to less. They have now been applied to 62½ square miles of reserved, and 115¾ square miles of protected, forests, in all 178 square miles, that is, to an area larger than the whole proposed demarcation of the Joint Report. More than that, the right to collect pine leaves for manure has been refused in almost all the reserves, in most of the 1st class protected forests of Rupi, Inner and Outer Sahraj; and wherever it has been admitted, it has been in almost all cases limited to a fortnight. Wherever a right to lop pines for manure has been admitted, the height to be

lopped and the size of the trees have been fixed. The authors of the Joint Report contemplated the closing against grazing of a comparatively small area (paragraph 14), which in many cases would be fenced (paragraph 62).

The figures in the margin show that an area of 72½ square miles has by virtue of the record of rights been almost fully protected against damage from grazing, and moreover an area of 41 square miles out of a total of 115¾ square miles of 1st class protected forest may, when the necessity arises, be closed by rotation by notification under section 29 (*b*).

Reserved Forests.	Square miles.
Area closed against all grazing	27
" " " sheep and goat grazing	3½
" " " cattle, but open to sheep and goats for 2 months or less.	12½
Protected Forests.	
Area closed against sheep and goats ...	9
" open to sheep and goats for 4 months or less. ...	20½
Total ...	72½

84. Again, the restrictions that were to apply to the second class of forests demarcated under the Joint Report have been described in paragraph 6 of this Report. A comparison between them and the record now prepared for 2nd class protected forests will show how very far the present Settlement exceeds in strictness the proposals of the Joint Report. The restrictions which were to apply to only a small part of the 156 square miles have been applied to 178 square miles, and the restrictions proposed for the 156 square miles have been applied in even greater intensity to 530 square miles.

Inference drawn that the present Settlement is sufficient.

85. The authors of the Joint Report considered that their proposals would secure the permanent maintenance of the demarcated area (paragraph 10). The record now prepared has imposed even greater restrictions on the people's use of the forests. There is then some reason even for professional foresters to believe that the present Settlement, though it has not satisfied their ideas of what a Forest Settlement should be, may tend more to the maintenance and improvement of the forests than they have hitherto admitted. This belief can be strengthened by comparing the record for 1st class protected forests with Dr. Schlich's suggestions for the record in his reserved areas, when it will be seen that in almost every particular his proposals have been carried out.

Mr. Gisborne Smith, who has more knowledge of Kulu than any other Forest Officer, was of opinion that the forests could be maintained under the records now prepared. But under any circumstances the Settlement is not final, and mistakes in the record can hereafter be corrected. The Forest Officer will in future have some information to proceed upon, and if he is left long enough in Kulu to get to know the people and their customs, he will be able to add to the facts known of each forest and to correct them where they are wrong. The record now prepared will enable him to detect any great increase in the demands on the forests, and to take action to prevent damage. A large area has been secured, and no change has been made in the status of the undemarcated waste. The Settlement now effected can in no way damage the interests of Government, and, as even without any Settlement the forests have improved in a marked manner during the last fifteen years, except in the number of mature deodar trees, which have been cut not so much by the people as by Government for export or public works, so there is every reason to believe that, with the restrictions now imposed, the improvement will be greater.

CHAPTER IV.

Rights of the Rai of Rupi.

Orders for the demarcation and settlement of the Rupi Forests.

86. The orders for the demarcation and record of rights in Waziri Rupi are contained in the correspondence noted in the margin,* and are to the following effect:—

* Government letter No. 590, dated 30th May 1881.
" " No. 147 D, dated 1st April 1882.
" " No. 542, dated 12th December 1882.

(1) All tracts that it is desirable to maintain permanently as forest should be demarcated; of these tracts only such special areas should be constituted reserves under Chapter II as the Forest Officer and Forest Settlement Officer agree should be so treated, regard being had to the locality and the rights of the people, and the rest of the demarcated area should be made protected forest under Chapter IV, and treated in the same way as such forests in the rest of Kulu.

(2) The Government should be declared proprietor of the soil and of the produce of all the demarcated forests, subject to such rights of user on the part of the Rai and the people as may be established in each particular forest; and the undemarcated waste should be given to the Rai or to the people, subject

to such rights in the trees as Government may retain to itself, and to the control of Government over the land so long as the trees stand on it.

(3) The rights of user of the people should be enquired into and recorded in the same manner as in the rest of Kulu.

(4) (a) In the case of the Rai only such rights should be admitted in the *demarcated* forests as can be shown to have existed during the 25 years preceding 1881, and these rights are not to be *assumed* to exist in all forest areas, but are to be admitted and recorded in those forests only in which there is reasonable evidence of their existence, but the Rai should in the investigation be dealt with liberally rather than strictly.

(b) *In the undemarcated* lands the Financial Commissioner may bestow rights in excess of what is actually established whenever he thinks such additional liberality advisable.

The present enquiry in Rupi is under Government letter No. 590, dated 30th May 1881, and Financial Commissioner's No. 4727 S., dated 4th July 1881, part of the regular settlement of this tract; and in paragraph 120 proposals are made for the incorporation of the result in the record of the Revenue Settlement. In showing how the orders have been carried out, I shall refer in detail only to the questions arising out of the special circumstances of the Rupi Jagir. The rights of the Rupi people have been disposed of in the same way as those of the Kulu people generally, and will here be touched upon only in so far as they have any bearing on the rights of the Rai.

Area demarcated.

* Reserved forests	...	... 31	square miles.
1st class protected	...	... 54	"
2nd " "	...	... 505	"

87. The total area of the jagir is 677 square miles, of which 590 square miles are included in the demarcation and classified as in the margin.* Of the 505 square miles shown as 2nd class forest only 115 square miles are forested, and 390 square miles are bare, but for reasons explained in paragraph 93 they have been included within the forest limits. The undemarcated area, consisting of cultivation, occupied grass lands and waste, is about 87 square miles. The determination of what should be demarcated, that is, the selection of the areas to be permanently maintained as forest, was left by me to the Forest Officer, as it was a matter coming specially within his professional knowledge. In the classification also I have been entirely guided by his opinion. Though I did not interfere in the demarcation, I was in several places obliged to object, and I shall refer shortly to some of these cases; not that a reversal or change of his judgment is now desired, but to show how the demarcation has been carried out in cases where it seemed to me that there was much doubt about the possibility of permanently maintaining the area as forest.

Objections to the demarcation of certain forests.

88. The Rukotan 1st class protected forest No. 13 is a patch of perhaps 20 acres in area. It contains mostly scrub with little forest of any value. It is surrounded with cultivation and burdened with rights. Perhaps one-third of it may be closed, but I doubt whether it is either necessary or possible to maintain it permanently as forest. The Khoruthach 1st class protected forest No. 21 contains within its boundaries two hamlets with 17 houses and 19 families, and about 70 acres of cultivation lying in several places. I suggested that some part of the forest should be left outside so as to exclude the houses, as with these two hamlets in the middle of the forest and many others lying immediately below, I doubt very much whether the lower part of the demarcated area can be maintained as forest. Of the estimated area of the forest 5 per cent. is scattered cultivation. The Charithach 1st class forest No. 20 has in it a hamlet with 7 houses and 20 acres of cultivation lying in several places. Demarcation such as this would not have been done in Kulu Proper; but the circumstances are not the same. In Rupi the demarcation is a final separation of the waste which is to remain the property of Government, while in Kulu Proper there is no intention on the part of Government to give up its proprietary right in the undemarcated area. If such forests as have been taken up can be permanently maintained, their demarcation is undoubtedly correct.

Extension of cultivation not specially provided for.

89. Again, the two 2nd class forests No. 11 and 12, both in Harkandi Kothi, have been demarcated, not because they now bear any forest, but in order to prevent their being brought under cultivation. They are both bare of forest, and one contains some area of abandoned cultivation which would probably have been again taken up. In the demarcation no attempt was made to provide for the extension of cultivation: whatever was forest, and could be maintained as such, was taken up without special consideration of provision for new cultivation. No doubt some part of the undemarcated area is fit for cultivation, but such land was left out only because it could not be conveniently demarcated. The Garha-het forest No. 11, referred to above, lies on the southern edge of Bindraban, and Chinjera, No. 12, on the southern edge of Kailiban and in paragraph 52 of the Joint Report it was specially recommended that such waste should be given up to cultivation. These two forests, or rather bare areas, are

both in the kothi, where the undemarcated waste is the least. Parts also of Khobas and of Reoni were by the Joint Report to be excluded from the demarcation to provide area for new cultivation, but this has not been done. In the matter of extension of cultivation the interests of the Rai, who is entitled to the revenue, and of the people, who are entitled to provision for increase of population, have been only accidentally considered, but new cultivation must always be limited by the requirements of forest conservancy, and its prevention has advantages as well as disadvantages. The demarcation as now done should be allowed to stand, at all events for the present. If at some future time any part of the demarcated waste is found to be useless for forest purposes, it may be given up.

Extensive nature of demarcation; cultivation included.

90. The very extensive nature of the demarcation is proved by the large area of land held in proprietary right by private individuals which has been included in the forests. The area of cultivation is 209 acres, and of grass land entered in the Revenue Settlement Record as the property of individuals 196 acres. Over two per cent. of the whole cultivated area of Rupi is within forest limits. In the Joint Report Mr. Brandis (paragraph 52) recommended that where houses and fields were included in forests, sufficient area should be left for the extension of cultivation. In most places, however, it was impossible to exclude forest for this purpose, as the patches suitable for cultivation rarely lie near old fields, and in others it was not expedient to allow further cultivation. The area of grass land recorded at the Revenue Settlement in the names of individuals is much larger in Rupi than in Kulu, and perhaps in some cases the entry should not have been made. I wished to disallow the proprietary right in the soil, but I could not find sufficient justification to interfere with so many holdings, against the wishes of the people and of the Rai.

Ownership in soil of waste.

91. The question of the ownership of the soil of the waste in Rupi was first raised in 1868 when Mr. Lyall attested an agreement between the Rai and the people, in which it was entered that the soil belonged either to the Rai or to the Government. In the other jagirs of this district, even when there has been a break, in the succession, the property in the soil has been held to belong to the chief; but it is unnecessary to now discuss the merits of the claim made by the Rai. It is enough for the purposes of this Report that in 1879 the Government declared the soil as well as the trees of the Rupi waste to be its own property, subject only to the customary rights of user enjoyed by the Rai. This order was modified by subsequent correspondence, in which it was laid down that whatever land was required for forest purposes should be the property of Government, while the land not so required might be surrendered to the Rai or to the people, subject to such control over the trees and the land on which they stood as it might be considered necessary to retain.

Property in soil of undemarcated waste given to the Rai.

92. In regard, then, to the undemarcated waste, the first question was whether the property in the soil should be given to the Rai or to the people. In the agreement made in 1868 it was recorded that the waste belonged either to the Rai or to Government, and in the course of the enquiry made at the Revenue Settlement of Rupi, the people admitted that they were proprietors only of the land in their immediate possession. They have never broken up land without the Rai's permission, and for such new cultivation they pay revenue in addition to what was assessed on their original holdings. In Kulu Proper the soil of the waste belongs to Government, and so in Rupi also it was a question between Government and the Rai, to the exclusion of the people. Government therefore having abandoned its claim to the undemarcated waste, it only remained to declare it the property of the Rai.

Reasons for not giving the alpine bare waste to the Rai.

93. There is in Rupi an area of some 390 square miles, bearing no trees, lying in fact above the limit of forest vegetation. This waste, consisting of grassy plains, rock and perpetual snow, cannot be cultivated and is of no use except as a grazing ground for native and foreign sheep. It lies almost entirely above 2nd class forests, and at the time of demarcation it was not considered necessary to put up boundary marks at the upper limit of these forests; and thus the bare waste is considered as included in the demarcation, but is shown, not as wooded, but as bare waste. Being inside the demarcation it is the property of Government, even though it is useless for forest purposes. In strict accordance with the order that only forest land was to be taken up, these high bare wastes should perhaps have been excluded from the demarcation, and the proprietary right in them conferred on the Rai. The principal object, however, in giving up the right in the waste was to enable the Rai to arrange for new cultivation in places where cultivation was possible. These high wastes cannot be cultivated, and the only right that can be exercised over them is the right of grazing. This right has been provided for in the General Provisions, Part III (paragraph 108). If the proposals therein made are accepted, the Rai will not suffer in the least from the loss of the property in the soil. If, however, any inference adverse to him is to be drawn from the fact that the alpine waste is recorded as the property of Government and is nomin

ally included in the protected forest area, pillars may be put up along the upper line of arborescent vegetation, and whatever is above that line may be declared the property of the Rai. The record of rights will remain the same, whether the grazing runs are above or below the line.

Area and distribution of undemarcated waste.

94. The low-lying undemarcated area is in all about 87 square miles, of which 14 square miles are cultivated and two or three square miles are occupied grass land belonging to individuals, and the remaining 70 square miles are waste, the proprietary right in which has been conferred on the Rai, subject to certain conditions. The following statement will indicate the distribution of demarcated waste, undemarcated waste and cultivation :—

Name of Kothi.	Demarcated area in acres.	Undemarcated area in acres.	Cultivation in acres.	Total area of Kothi.
Khanawar ...	246,969	7,284	1,536	255,789
Harkandi ...	7,553	1,215	1,105	9,873
Chung ...	5,120	4,650	1,190	10,960
Korkandi ...	28,520	10,215	2,525	41,260
Bahlan ...	20,115	15,318	1,962	37,395
Sainsar ...	53,730	6,401	639	60,770
	362,007	45,083	8,957	416,047
	565½ square miles.	70¼ square miles.	14 square miles.	650 square miles.

As explained in paragraph 25, these figures, which are only approximations, have been increased slightly in order to bring out a total area of 677 square miles. In the descriptions of the 1st class forests I have added notes as to the undemarcated forest lying under the 1st class areas, from which some idea may be formed of the extent of wooded waste outside the demarcation. This area of 70 square miles was not taken up, partly because it was bare, and partly because, though bearing trees, it was cut up by cultivation and could not be permanently maintained as forest. Forty square miles are in kothis Kotkandi and Bahlan, which form the western part of Rupi towards the Beas. The greater part of this consists of the bare grassy slopes above the Beas, the Hurla and the Sainj streams, and has little forest except scattered oak and chil. There is in Bahlan some area of oak which is largely lopped for fodder, but there is little timber suitable for building purposes. In Kotkandi many young kail near cultivation, at present too small for cutting, have been left out. The ten square miles in Sainsar at the head of the Sainj are also mostly bare, being grassy slopes with southerly aspect. Chung has between seven and eight square miles, but most of it is steep and bare. In Harkandi, which, like Chung, is on the left bank of the Parbati, very little area has been left out, cultivation and undemarcated waste being about equal. Still in this kothi there is perhaps as much useful timber as in any of the others. Kanawar Kothi at the head of the Parbati has 11 square miles. A glance at the map will show that it is situated almost entirely on the right bank of the river, and is for the most part bare, being of southerly aspect, and also precipitous.

Nature of undemarcated waste.

Though the undemarcated waste may be thus generally described as steep and bare, still there are scattered clumps of kail, with here and there some deodar near temples. In the cold side-streams and on northerly slopes there are many chestnut, yew and other trees. Again, among cultivation there are many young kail, much lopped for manure, but kail will probably extend on slopes which are not due south. There is, therefore, some area of forest undemarcated, but the small area of three or four of the demarcated forests and the large area of cultivated land included in the demarcation prove that no large extent of forest has been left outside.

Rai's rights exercised without restriction except in case of deodar.

95. It was laid down that only such rights of user should be admitted to the Rai as might be shown to have existed during the 25 years preceding 1881. This period goes back to 1856, when there was little or no forest conservancy, and for the first seven or eight years no restriction, except the prohibition of the sale of timber, was imposed on Rai Gyan Singh's use of the forests of his jagir. But about 1864 or 1865 he began to feel the pressure of stricter conservancy

rules, and on his appealing to the Financial Commissioner, that officer passed an order (No. 32, dated 3rd January 1865) that as the hereditary Chief of Kulu and the descendant of the former Rajas to whom the whole of Kulu belonged, Rai Gyan Singh was entitled to consideration, and should obtain fuel, grass and timber sufficient for his personal use from the forests in his jagir without let or hindrance of any kind. In communicating this order, the Deputy Commissioner qualified it by the restriction that deodar trees should be applied for. This order, putting his rights in the forests on a firm basis, is the foundation of the present Rai's claim, and is the principal ground of his objection to the restrictions which it is now proposed to impose.

96. There is every reason to believe that Rai Gyan Singh, up to the time of his death, exercised his rights in any forest that suited his convenience, and that without the permission of any District or Forest official, except in the case of deodar. During the minority of the present Rai, that is, up to 1884, his affairs were managed by a Superintendent under the Assistant Commissioner, and in consequence some acts which his father did without consulting any authority may have been done after a reference to the Forest Department. Moreover, since the question of the Rai's rights has been under discussion the special attention of the Forest Officer and of his subordinates has been drawn to the subject, and for some three or four years the rights have not been exercised in the same free manner as in Rai Gyan Singh's time. It is, however, specially incumbent on Government as the trustee of the Rai's estate to see that no just rights were lost during his minority, and that the failure of Government as his guardian to exercise in a particular way rights existing previously to his becoming a ward should not be allowed to prejudice him in the present enquiry.

Rights allowed only where exercised.

97. The order of 1865 allowing the Rai to cut all trees without permission was acted on up to 1881, and no restriction was ever imposed as to the locality where the rights might be exercised. It was never distinctly laid down that the Rai should not cut building timber in the forests demarcated about 1868; but as a fact he has not done so, or only very rarely. The order of 1865 applied to the whole jagir, and under it the Rai could supply his wants from any and every forest; and it has accordingly been contended on the Rai's behalf that a right to take timber, grass and fuel has existed during the last 25 years in regard to every forest, and that the right should not be disallowed in any forest because it has not been exercised in it. This seems also to be the interpretation put by the Financial Commissioner on the order contained in paragraph 4 of Government letter No. 542, dated 12th December 1884, for in sending that letter to the Commissioner he presumed that the rights already reported and then sanctioned were of a general character and applicable to all the forests of Waziri Rupi. But another interpretation may be put on the order, *viz.*, that rights of *user* can be said to exist only in forests where they are actually exercised. I have acted upon this interpretation, and the enquiry has been made and the result recorded for *each* forest. If the first interpretation is the correct one, there will be no difficulty in preparing the record, as it will allow the Rai all the rights in each forest, and will therefore be the same for all. The Rai has in fact exercised rights in a great many forests, and even on the more unfavourable interpretation of the Government order which I have adopted his wants will be amply provided for.

Subdivision of forests probably prejudicial to the Rai.

98. In making the enquiry as to what rights had been exercised in any particular forest, a difficulty arose from the subdivision of a large block, hitherto considered one forest, into several smaller areas to suit the record of rights of the people or the nature of the forest growth. When the question was asked what rights had been exercised by the Rai, the reply perhaps was no rights in this piece, but just across a nala or an arbitrary line of pillars rights were exercised. It was objected that by such a process of subdivision the Rai's rights might be reduced to the few square yards where a tree had been cut. It was necessary, however, to treat each forest separately as now demarcated, and I refer to this objection to show that the subdivision of forests has probably been prejudicial to his interests.

Intimate connection of the Rai's rights with forced labour.

99. The forest rights of the Rai are very intimately bound up with his right to begar or forced labour, and this accounts for his wants being often supplied from distant forests. Each of the six kothis has in turn to provide certain articles, such as charcoal, torches, timber, chestnuts, walnuts, and these articles are not taken from the forest nearest Sultanpur where the Rai lives, but from the forests in the kothi whose turn it is to supply them. Orders are issued to the Negis who make their own arrangements to send what is wanted. The Rai does not indicate the locality where the trees are to be cut, nor interest himself in the matter, provided the demand made is complied with. The begaris take whatever is required from the place most convenient to themselves, and that is generally the forest where they are accustomed to supply their own private wants. The result is that the Rai has exercised some right or other in a great majority of the forests, and such right has been recorded in his favour. No doubt all his wants might have been supplied from fewer

Rai has in consequence exercised rights in a majority of the forests.

forests; but if his rights had been confined to a few forests near Sultanpur, there would have been great difficulty in carrying on the established begar system. Moreover it was laid down that he was to have the rights he had exercised in each particular forest, and as no give-and-take policy had been suggested or was likely to be successful, the order has been strictly adhered to, and rights have been allowed only as and where they have been exercised.

Nature of the evidence brought to establish his rights.

100. In the enquiry nothing but oral evidence was forthcoming, as no record had been kept by the Rai of where trees had been cut. The fact whether a tree was green or dry, and the precise spot where it was cut, were not at the time considered of any importance. The difficulty increased when the claims arose from wants that occurred only after many years, as on the occasion of a marriage. The evidence produced in regard to the cutting of a particular tree, say a green walnut (and Mr. Smith, Deputy Conservator, who represented the Forest Department, was not satisfied with general statements) was meagre, and the witnesses often made statements under cross-examination inconsistent with each other and with truth. In some cases, Mr. Smith went to the spot to inspect the stumps, and inferences had to be drawn from the appearance of the wood whether the tree had been cut green or had been cut within the last quarter of a century. Seeing the nature of the enquiry, the Rai's representative was probably careful to limit his claims to what he had some hope of establishing. The Rai was allowed the benefit of any doubt in accordance with the Government order enjoining liberality rather than strictness. There was all the more reason for doing so as it was intended to propose certain restrictions as to valuable trees which had not existed in the past.

Again, I held that whatever trees the people could cut for their own use without permission might also be cut for the Rai. Now up to 1872, the Negis could give permission to cut any tree (green or dry) except deodar. In that year certain restrictions were imposed on the cutting of walnut, box, ash and some other trees; but they did not apply to the Rai; and in Rupi were not enforced against the people until some years later. The Negis' authority to give blue pine, chil, spruce and fir was not taken away until 1879, and it may be fairly presumed that when the Rai required such trees they were taken without any reference to the Forest Department.

Rights are admitted subject to general provisions.

101. In the record for each forest, the rights to forest produce established in the Rai's favour have been entered, and a note has also been made of the forests and runs in which sheep paying grazing dues to the Rai have been pastured, and also of the forests in which nets and snares for musk deer and hawks have been set under licenses given by him. The rights admitted are in all cases subject to general provisions defining the conditions under which they may be exercised. These provisions are prepared on the understanding that Government is to retain all its rights even in the undemarcated waste, except the proprietary right in the soil; and according to the general provisions that right is conferred on the Rai subject to conditions which reduce it to little more than what he has always possessed. Mr. Smith, looking at the record as a whole, thinks that "the Rai has perhaps been too liberally treated and instead of getting his bare rights has in many cases got more than he was entitled to." On the other hand, it will be shown that the record imposes new restrictions which will materially curtail the authority given in 1865. It is a mere record of rights less than which Government cannot give him, and contains no right except what has been fairly proved to exist. The Government letter No. 542, dated 12th December 1884, directed that the Financial Commissioner might "bestow in the undemarcated waste rights of user in excess of what was actually established whenever he thought such additional liberality advisable." Proposals will hereafter be made for the conferring of certain privileges in the outside waste, but these will be in addition to what is allowed by the record as now prepared.

Objections raised to the general provisions.

102. A draft of the general provisions was submitted to Mr. Smith and to the Rai for their opinion, and the present proposals differ but little from that draft except that authority to admit foreign sheep into the runs held by the Rupi people has been retained to the Assistant Commissioner. Neither of the parties in all respects approves of the conditions, and while the principal objections will here be considered, the original correspondence is also submitted at Mr. Smith's request. The provisions have been divided into six parts, and will be treated in the following order:—(1) Forest produce; (2) property in the soil; (3) grazing dues; (4) licenses for snaring hawks and musk deer; (5) shooting; (6) general.

Restrictions now proposed on Rai's right to cut trees.

103. The restrictions on the rights to forest produce apply to both demarcated and undemarcated forests. Unless some special privileges are conferred on the Rai, there is no reason why there should be any difference. The Forest Officer has objected to the indefinite nature of the condition in clause 3 (1) that the Rai should receive

only what is required for his own *bonâ fide* use, and suggested that the number of trees or of buildings should be fixed. But the restrctions now proposed are sufficiently stringent to prevent any abuse. They are given in clause (6) (*a*, *b*, *c*, *d*) and are very much objected to by the Rai. The principal restrictions are, 1st that he may not cut deodar, walnut, box and ash without the permission of the Assistant Commissioner or Forest Officer, and 2nd, that he may not cut more than ten trees at a time of certain specified kinds without such permission. The Rai points to the order of 1865, which allows him to cut any trees except deodar without any restriction, and it is now admitted by the Forest Officer that this order was acted upon up to the commencement of the enquiry. The present proposals are, so far as walnut, box and ash are concerned, rather stricter than those in my No. 35, dated 26th June 1882; but as enquiry showed that there had been great waste, especially of walnut timber, I think the restriction now proposed is necessary. Walnut, box and ash are required only occasionally, and if the whole tree is utilized as it ought to be, the necessity for an application to the Assistant Commissioner for such trees will be so very rare that the restriction will scarcely be felt. In his Secretary's No. 134 C., dated 1st August 1882, the Financial Commissioner recommended that in ordinary cases of cutting trees notice only should be given by the Rai, but when any large number of trees was required application should be made to the Forest Officer, and this recommendation was accepted by Government. The proposals now made are to the same effect, except that the number of trees that may be cut without application to the Forest Officer has been fixed at ten trees at one time. The Rai wishes the limit raised to 20, but as he may issue a second order as soon as he has removed the first ten trees, the lower limit seems high enough.

Right to cut dry standing trees.

104. In clause (*f*) it is proposed that the Rai should be allowed to cut dry standing trees. Mr. Smith has objected on the ground that this will lead to abuses, but that is no sufficient reason for imposing any restriction. For many years the people generally have been allowed to cut dry standing trees, and the Rai has cut all *green* trees except deodar. To prevent his cutting dry standing trees would be an excessive, and, in my opinion, unnecessary interference with the existing custom. I have shown elsewhere (paragraph 138) that Dr. Schlich proposed to allow any one to cut such trees. The Rai should use the right to lop trees and to cut dry trees to supply the charcoal and the torches he requires; but he may, when necessity arises, issue an order to cut a green kail when there is special demand for torches, of which at all times a great many are used.

Trees that may be cut without any notice to Forest Officer.

105. The Rai is allowed by clause (*g*) to cut without notice to the Forest Officer all except the 20 reserved trees; but in the interests of the people who are specially dependent on the inferior trees, it has been laid down that where there is risk of denudation or of inconvenience to the people, the Rai may be directed to cease cutting trees in any particular locality.

Government control over trees in the undemarcated waste.

106. In the Government letter No. 542, dated 12th December 1884, it was laid down that the Financial Commissioner should decide in each particular undemarcated forest whether and how far it was necessary to retain control over all or any of the trees now growing, and in these undemarcated lands he might bestow on the Rai rights in excess of what had been actually established, and that apart from the control retained by Government the undemarcated lands should be left to the free use of the Rai or the people. There is no reason whatsoever why the Rupi people should be allowed greater rights in the undemarcated waste than have been admitted in Kulu Proper. Any difference made between the two tracts could only excite dissatisfaction and would result in the same concessions being allowed to both. But, on the other hand, it is necessary to safeguard and provide for the rights of the people of Rupi as of Kulu generally, and in deciding what rights should be conferred on the Rai in addition to what he has hitherto exercised, it must be remembered that it is not the Government and the Rai who alone have rights in the open waste, but that the people are very much dependent on it for the supply of many of their daily wants. I strongly advocate the retention by Government of its property in the trees on the undemarcated waste. The Rai's wants are fully provided for by the continuance to him of the rights that have been established in his favour, with the one exception of pasture for his buffaloes. He has admitted to me that though the general provisions are more strict than they formerly were, or than there was any real necessity for, still under them his ordinary requirements would be met. All he asked for the supply of his own wants was permission to graze buffaloes in the undemarcated waste and also in Kathot (part of 1st Class Protected Forest No. 23) or in Bunbuni (part of 2nd Class Protected Forest No. 5). He has kept several buffaloes for some years, and until recently they remained during the rains in Kathot, which as its names implies is covered for the most part with kathi or scrub jungle. This might have been excluded from the Masu Forest without reducing its area to any material extent; but the Forest Officer considered that it should be included in spite of a special appeal made on the Rai's behalf. The Bunbuni thach is in a forest above Phulga, and is itself bare of trees, or contains only birch.

No objection could in my opinion be made to the Rai's being allowed to graze his own buffaloes in that forest, except that before reaching it they must pass through several forests on the way. Both the Kathot and Bunbuni thaches have been demarcated, and the grant of any extra right in them will probably be opposed by the Forest Department. There is, moreover, less reason for complying with the Rai's request in regard to these forests, as it will be possible to find places for grazing buffaloes in the undemarcated waste, not so good as Kathot or Bunbuni, but still sufficient for the purpose. The only privilege which should be conferred on the Rai is a right to graze buffaloes in the undemarcated waste, but only such as are his own property and are required for his own use. He further asked that he might be given a share in the income from sale of timber from all the forests of his jagir, or at least from the undemarcated forests. This is not such a concession as Government intended to allow to him in the record of rights, and in accordance with paragraph 6 of the letter already referred to, it has been made the subject of a separate communication.

Conditions under which property in soil of undemarcated forest has been given to the Rai.

107. Though the property in the soil of the undemarcated forest and waste has been bestowed on the Rai, the grant has been made subject to conditions which reduce the right to what he has all along possessed (*vide* General Provisions, Part II) Government retains the same right to trees in Rupi as in the rest of Kulu, and it is therefore possible to declare the undemarcated waste to be protected under Chapter IV and to frame rules for the preservation of the trees. If the Government conferred on the Rai the property in the trees or any species of trees, the forests could not, so far as these trees were concerned, be protected, and the interests of the people would probably suffer. The proposals now made in regard to the grant of leases for new cultivation are practically a record of the prevailing procedure, except that whereas now the Forest Officer is consulted in all cases, he will in future be consulted only when any of the twenty reserved trees are standing on the land which it is intended to break up. Pending sanction to the proposal to allow the Rai to graze buffaloes in the undemarcated waste, no entry has been made in the record, which as now submitted contains no right except what has been established on the Rai's behalf.

Alpine grazing for sheep and goats; record of rights of foreign shepherds; Rai's right to grazing fees.

108. The upper forests and the open grassy plains above forest vegetation are resorted to in the rains not only by the sheep of the jagir itself but also from Suket and Sahraj. For each forest, including the high bare waste, record has been made of the individuals and hamlets that have hitherto gone to the gahrs (lower runs) and nigahrs (higher runs). The foreign sheep merely pass through the lower parts and remain only in Kanawar and Sainsar kothi, which lie at the head waters of the Parbati and Sainj and contain the best nigahrs in Kulu. Runs which have year by year been used by foreign shepherds have been recorded in their names, and with such runs the people of Rupi have no right of interference; but these foreign shepherds have not in all cases a hereditary right equal to that held by the Rupi people in their own runs, and the Rai arranges to give unoccupied grazing-ground to any one who wants pasture. The runs recorded in the names of the Rupi people are of two kinds,—(*a*) those in which they always graze their own flocks and into which they rarely if ever allow foreign shepherds to enter; (*b*) those runs in which they only occasionally graze their own sheep, but over which they assert some sort of right in virtue of which they claim from the Suket and Sahraj shepherds who go to them manure for their fields for a certain number of nights. Wherever this custom has existed it has been recorded, and in the General Provisions, Part III, the continuance of the custom is provided for. To this the Forest Officer has objected, on the ground that the people have only rights of user, which they cannot sell or barter, and that they have no right to lease their grazing-grounds to others. I admit the abstract correctness of this objection, but it does not apply to this case. It is not the people who have allowed the foreign sheep into their runs, but the Rai who in this matter represents the Government and levies grazing dues from them. These runs, however, are often near hamlets and are sometimes used by them; and the people would, rightly or wrongly, have objected to foreign sheep destroying their grazing, and in some cases their objections might have been just; hence as a sort of compromise the people raised no objection, on the understanding that the foreign sheep would be penned on their fields for a certain time. The right to graze is conferred by the Rai, to whom and not to the people the dues are paid. An arrangement similar to what has been described was carried out last year by Mr. G. Smith himself in Kulu and for exactly the same reasons (*vide* paragraph 177). The present custom has probably existed since foreign sheep began to come to Kulu, and it was fully established and recorded by Mr. Lyall in 1868, who wrote that "foreign sheep and goats go to the nigahrs and gahrs of the Rupi people, who get in return either money or manure." It is very rare for money to be paid, and the remuneration is now limited to manure. The same custom exists in Kangra (*vide* Settlement Report paragraph 45), where in some dhars the hereditary title is only a title to manure.

Right to miscellaneous forest income (grazing fees) conferred on Rai by his sanad.

109. But apart from mere custom, the sanad has conferred on the Rai all Government rights in ban-waziri or miscellaneous forest income. The sanad recites that on Raja Thakur Singh's death the whole income

from ban-waziri and from sale of timber in the whole jagir (kul amdani ban-waziri was banhai kul jagir) was resumed along with the land revenue of three of the kothis,* and then in re-granting to Rai Gyan Singh the resumed land revenue the condition is made that he should not receive any part of the income from sale of timber (amdani ban), implying that the right to ban-waziri was conferred on him. An examination of the English and Vernacular correspondence that took place when the sanad was prepared (*vide* Commissioner's No. 265, dated 25th July 1859, to the Deputy Commissioner; Commissioner's Vernacular Proceedings of 31st May 1859; and Commissioner's No. 178, dated 24th July 1861, to Financial Commissioner) shows that Major Lake deliberately conferred the ban-waziri income on the Rai while he retained to Government the control of the forests and all income from the sale of timber. The right of Government in regard to grazing dues which was thus given to the Rai is described in paragraph 102, Settlement Report:—"Government may send in herds, droves or flocks to graze in the waste, but it is bound to exercise this right so as not to unduly stint or disturb the rights of use previously exesting." Mr. Lyall also wrote in his Secretary's No. 134 C., dated 1st August 1882, that "the right of the Rai to admit to the high grazing-grounds flocks belonging to others than those who have prescriptive rights of grazing therein should be admitted, as from his own knowledge he could state that within the last 25 years many shepherds had gone to these grazing-grounds from Suket and elsewhere besides those having prescriptive rights."

* NOTE.—This was not actually the case. The forests in the unresumed kothis remained under the Rai up to 1859, and the condition in the sanad was inserted under a mistake as to the facts.

Rai has a right to introduce foreign sheep when the runs are not fully grazed.

110. The people of Rupi in whose names runs have been recorded have themselves the first right, and if they do not fill the runs with their own sheep and goats, they may arrange with Suket and Sahraj shepherds to graze in return for droppings. The demand for manure is so great that the people themselves try to get as many sheep into their runs as possible, and disputes on this score are not likely to arise between the Rai and the people. The people however have not such an absolute right in their runs that they can refuse to allow foreign sheep into them if there is any unoccupied grazing-ground. In order, however, to prevent interference with the rights of the people, it has been provided that in cases where the people object to foreign sheep coming into their runs, the matter must be referred to the Assistant Commissioner, who will allow the Rai to introduce them only in places where the grazing rights of the recorded right-holders are not interfered with.

Grazing rights of people assessed in Revenue Settlement.

111. Mr. Smith, in objecting to the proposals on this subject (which have been somewhat modified in favour of the Rai since the Forest Officer saw them), contends that in Rupi as in Kulu the assessment of the land revenue includes the grazing rights, that the Government as proprietor of the soil may dispose of the revenue from grazing as it pleases, but that the present proposals confer on the Rai the Government rights. No doubt it may be presumed that the land revenue assessment took into consideration the general circumstances of the people including their income from flocks of sheep; but as Government has assigned to the Rai the land revenue including whatever was assessed on grazing rights, and has also conferred on him the right to collect dues from foreign cattle and sheep grazing in the jagir, there is most ample reason why Government should not now in any way interfere with such rights.

Grazing in winter in warmer valleys of Rupi. Rai's right to grazing dues.

112. Besides the dues received for grazing in the high lands above forests, the Rai collects dues from the people of Lahul, Waziri Parol and Inner Sahraj, who bring their flocks in winter to the Bahlan and Kotkandi kothis, which lie low down towards the Beas, where even in winter there is some grazing for sheep and goats, and where the numerous oak trees are lopped for fodder. The horses and asses that come into these kothis belong mostly to the people of Lahul, who migrate year by year to the Kulu Valley. The places where this winter grazing has been exercised have been recorded, whenever they are in demarcated forests. The fact that the Rai has been accustomed to get dues for the grazing in this part of the jagir is established by the entries in the agreement drawn up in 1868.

Proposed increase in grazing rates.

113. The rates for grazing given in the General Provisions are those now prevailing, but a right is retained to increase them with the sanction of the Local Government. The present rate of Rs. 2 per hundred sheep and goats for the Rupi grazing is too low. If it was doubled, it would still be less than is willingly paid in Native States, and less than what was paid in Kulu many years ago when the grazing was less valuable. "The numerous Suket and Thakarain (*i. e.*, Simla Territory) flocks which spend the summer in Kulu used to pay one anna per head for summer grazing only" (*vide* Settlement Report, page 131). I would suggest that the Rai be allowed to realize Rs. 3-2-0 per hundred sheep and goats, that being the rate taken by Government from the Mandi shepherds who graze in Monali kothi (*vide* paragraph 178): and that in future the rate for grazing in Rupi be always the same as is fixed for Kulu Proper.

114. The average income from grazing dues during the last five years was Rs. 460. Before 1881, the income was nearer Rs. 600, as up to that time a transit tax of one rupee per hundred was charged upon all sheep and goats going along the main road through the jagir. The Rai used also to get the income from buffalo grazing (*vide* paragraph 123), but buffaloes are now excluded from Rupi. This was done in the interests of forest conservancy, and if at any future time they are admitted into Kulu, they should also be admitted into Rupi, and the Rai should be allowed to collect grazing dues as formerly.

Income from grazing dues.

115. The Rai has been accustomed to give licenses for the capture of musk deer and hawks, and derives from this source an income of over Rs. 200 per annum: an entry has been made in each forest where nets and snares have generally been set. Part IV of the General Provisions lays down the conditions on which this right may be exercised. There is great difference of opinion on this subject between Mr. Smith and myself. He wishes that the following conditions should be added :—

Licenses for catching hawks and musk deer.

(1) for musk deer, that Government may take measures for the preservation of game, including musk deer, that Government may close certain areas against the trapping and shooting of game, including musk deer, and also that Government has an equal right with the Rai to lease the shooting or snaring of musk deer as well as of other game; and

(2) for hawks, that Government has an equal right with the Rai to give licenses for the capture of hawks, and that the three-sided not the long net should be used.

116. I have made provision for the preservation of game by adding a condition in Part V (Shooting) that subject to the rights admitted to the Rai in Part IV (musk deer and hawks) Government has the same rights in regard to game in Rupi as in the rest of Kulu. It is admitted by Mr. Smith that the Rai may give licenses to catch musk deer and hawks, and if he has such a right at all, it must exclude the right of others, including Government. The form of the net to be used in the capture of hawks is referred to in paragraph 163, and the decision for Kulu will apply to Rupi also. At present the long net is being used in accordance with the last order of the Commissioner.

Preservation of game.

117. The provisions in Part V for shooting do not call for any further remark. I may mention, however, that it is customary in season and out of season for the Rai to present game to Thakur Narsinghji, the family Thakur of the Rai.

Shooting.

118. The first provision in Part VI gives Government power to make changes in the conditions under which the Rai is now allowed to exercise his rights, if at any time change should become necessary in consequence of wilful abuse. It will not be necessary to make any special reference to the Rai in the rules under section 31, as the general rule limiting rights to what has been recorded will apply to him as well as to others.

Remedy for abuse of rights.

119. The second provision that the correspondence as to forest matters should as far as possible pass directly between the Rai and the superior officers of the Sub-division may not be considered necessary, but it is included at the request of the Rai, and if allowed to stand may prevent friction and unnecessary interference.

Correspondence as to forest matters to pass direct between Forest Officer and the Rai.

120. No changes whatsoever have yet been made in the Revenue Settlement Records prepared before the present forest enquiry commenced, but under paragraph 7 of Government letter No. 590, dated 30th May 1881, the result of the enquiry should form part of these records. In paragraph 4 of his Secretary's No. 109 C. S., dated 11th July 1882, the Financial Commissioner proposed the addition of certain clauses to the Administration Paper. It will perhaps be found more convenient if a note is made in the Administration Paper that the Forest Record as finally sanctioned by Government forms a part of the Revenue Settlement Record, and that in so far as the latter record differs in any respect from the Forest Record it shall be considered to be cancelled. Copies of the records of forest rights have in all cases been given to the parties concerned, who have had ample opportunity of objecting. The records have therefore been accepted in a more thorough manner than if half a dozen zamindars had been asked to put their names to a document, the contents of which they probably did not understand.

Incorporation of present records in records of Revenue Settlement.

CHAPTER V.

General Account of Forest Rights.

Classification of rights.

121. The rights of the people may be classified under the following heads :—

(1). Grazing cattle, sheep and goats.

(2). Timber for building purposes.

(3). Grass and leaves for fodder.

(4). Manure.

(5). Agricultural and domestic implements.

(6). Fuel, torches, charcoal, wood for funeral purposes.

(7). Miscellaneous, netting hawks, &c.

Buffalo-grazing.

122. In the Revenue Settlement Records it was laid down that the village communities had a right to graze their own cattle subject to the rules issued for the conservancy of the forests. This right beyond doubt included the grazing of ordinary cattle, sheep and goats. There was no reference to buffaloes, because in 1868 Ban-Gujars had not begun to come to Kulu, and the land-owners then, as now, were not accustomed to keep buffaloes. The question of buffalo-grazing has to be considered first in regard to the Ban or nomadic Gujars who resort in summer to the Native States bordering on Kulu, and who periodically attempt to establish themselves in Kulu, and also in regard to the people who reside and cultivate land there.

Ban-Gujars have no rights.

123. Ban-Gujars began to bring their herds to Kulu in 1871, and for two or three years they were not disturbed in their grazing, at least in Rupi, where they paid 3 annas per buffalo to the Rai. In Kulu also they grazed in several of the kothis, paying something to the people by way of grazing dues. In 1874 the Forest Officer disputed the right of the zamindars to collect such dues, and in 1876 it was decided that Ban-Gujars had no right whatsoever in Kulu, and that if they were allowed to graze the dues paid belonged to Government, and not to the people. From that time Ban-Gujars have generally been excluded from Kulu Proper, or have grazed only with the permission of the Forest Officer, and on payment of dues. They continued to come to Rupi until 1878, in which year they were forbidden to enter Kulu without permission. This action was taken not only in the interests of forest conservancy, but also at the request of the Kulu people, who alleged that the buffaloes defiled the grass and rendered it unfit for sheep-grazing. It was approved by Mr. Lyall, who wrote that Gujars had come to Kulu only recently, and that they did damage to other grazing as well as to trees. He held also that the Rai of Rupi had no good claim to compensation, as his ownership in the waste land of his jagir (at that time not altogether withdrawn) was subject to the right of Government to preserve the forest, and as the income from fees on buffalo-grazing was a thing of a very few years' standing. I presume, however, that if at any time buffaloes should again be admitted into Rupi, the Rai would receive any income that might be made from grazing fees levied on them.

May the people of Kulu pasture their own buffaloes in the waste?

124. The right of the people of Kulu to graze buffaloes was never questioned until the present enquiry began. No order prohibiting them had ever been issued, and some zamindars in Kulu, Rupi and Outer Sahraj had begun to keep them and to pasture them in the waste. A Gujar had acquired some land in Rupi, and while attending to the buffaloes of the Rai he kept a herd of his own. The question being raised, I decided, not without hesitation, that as the people had not been accustomed to keep buffaloes to any great extent, and as the agreement made at the Revenue Settlement did not provide for, as it did not contemplate such grazing, the land-owners of Kulu had no right to graze buffaloes in any part of the waste; and this decision has been carried into effect, but not without much objection on the part of those concerned. The subject is brought up on every possible occasion, and since 1884, when the matter was reported upon by me, an opinion has been expressed by the Commissioner that a Gujar who lives in Rupi at some distance from the forests should be allowed to graze a few milch buffaloes, and this would apply generally.

125. If the conclusion I have come to is not approved, and it is held that the land-owners have a right to graze buffaloes in the waste for the supply of their own wants, still it will be possible to exclude them from the demarcated forests as the zamindars bound themselves to abide by the rules issued for forest conservancy. There is ample grazing in the open undemarcated waste for the buffaloes that have now been turned out, and just as, wherever possible, sheep and goat-grazing has been excluded from the valuable forests, so also may buffalo-grazing. In the records as now prepared the right has not been admitted in any part of Kulu, not even in the undemarcated waste, but this is subject to the approval of Government. I have considered it necessary to go into this matter in detail, because it

is not understood by superior Forest Officers, and because as I have shown it is possible to form two opinions on the subject.

Sheep-grazing.

126. The rights and customs of shepherds in Kulu are described in paragraph 96 of Mr. Lyall's Settlement Report, and I only add a few notes connected with the forest settlement. Some of the gahrs or lower runs have been included in the first class forests, but most of them and all the nigahrs are in the second class forests. The hamlets accustomed to graze in them have been specified, even though the runs may not be in the forested area. The name of the Rasu or manager of a number of runs has been recorded when any claim to such a position has been established, but the hamlets whose flocks have gone with him have also been entered to prevent any exclusive right of grazing being claimed by the Rasu. The Rasus in all cases admitted that they were mere managers, but alleged that no one could graze his sheep in the runs in a flock separate from that established by the Rasus, and that was generally admitted by the people. They get no fees from those whose flocks go with them, but food for one dog is given, and at the union of the flocks and just before their separation the sheep are penned for a night or two on the Rasu's fields. In cases of dispute as to what hamlets were entitled to grazing in any run, the test applied was who had been accustomed to graze in *sair* or autumn, not who had grazed in *basta* or spring. In spring the grazing is promiscuous, but in autumn the runs are grazed only by those who by ancient custom have gone to them.

Manuring of fields by sheep.

127. In Kulu Proper the flocks meet in Baisakh and Jait, the sheep in higher villages rather later than those in the warmer valleys. They manure the rice and Indian-corn fields before going to the gahrs. They move on slowly to the nigahrs and then into Lahul, from which they return in Assauj and manure the wheat, barley, kodra, sariara and china fields. They again go to the gahrs, not this time to graze promiscuously, but each hamlet to its own thach. They come down gradually as the cold gets severe at the higher altitudes and separate in Kartik. The flocks of Kulu are largely valued on account of their manure, which is in great demand, especially for rice land. This explains why the people never object to foreign shepherds remaining near their villages. In Jagatsukh the Gaddis are paid for manuring fields, and in all cases they get their food. The number of nights the united flock of two or three hamlets will be penned on each zamindar's fields depends on the number of sheep he has contribtued. In Monali 40 sheep give the owner a right to one night.

Payments for grazing. Special case of Pandrabis.

128. In many places a gift of grain, or a goat, or a small sum of money, is given to the local deota, but this cannot be considered a payment for the grazing but merely an offering to propitiate the deity and prevent his doing injury to the flocks while they remain in his haunts. The only case in which grazing dues can be demanded is in Pandrabis Kothi on the borders of Bashahr. At the first Regular Settlement a sum of Rs. 35 was included in the revenue of this kothi on account of dues realised from the Bashahr shepherds, who graze in winter on the banks of the Sutlej. This sum was reduced by Rs. 12 in 1865 (*vide* Commissioner's No. 411, dated 25th April 1865) when trihais or closed areas were being formed on the ground that the income from grazing would thereby be reduced. In fact, however, though the remission was allowed, no trihais were formed in Kulu. These low-lying runs in Pandrabis were apparently at first grazed only by Bashahr shepherds, but for many years two out of the seven have been occupied by flocks from Plach Kothi, Inner Sahraj. With the exception of two of the runs, which are supposed to be held free of dues on grants made by the former Rajas of Kulu, the shepherds pay dues amounting to Rs. 23, but the people complained that they had great difficulty in realizing them, and seemed not unwilling to hand over their collection to Government. At the new Settlement, up to which time Government may not interfere, the revenue now paid by the kothi should be remitted and the Forest Department charged with the collection of the dues and the management of the grazing (*see* 2nd Class Protected Forests, Outer Sahraj, Nos. 3 and 6).

Building timber. Large number of trees necessary.

129. The style of building in Kulu, dry stone masonry bound by wood, entails great expenditure of timber, and as it is customary to use only the axe in converting it, great waste is caused even when large trees are used. Ordinarily poles of three feet in girth or less are taken in great numbers, thereby swelling to excess the figures showing the free grants of trees, in which it has not been common to show how many mature trees and how many poles have been given. The constitutional laziness of the people thus accounts for some part of the waste of timber; but poverty has also to do with it, for many could not pay for sawyers, however willing they might be. The houses are generally at least two stories high, and in such a climate it is necessary that they should be well built and well bound. If trees of four and five feet girth are used, the number required for an ordinary house of two stories has been estimated at from 30 to 50, and 40 may be taken as a fair average. If mere poles are used the number will be much greater. Houses containing a mixture of kail, rai and tos, such as most of the houses now built do, will probably not last more than 50 or 60 years, if so long.

Number of houses, temporary dwellings or dogris.

130. The number of houses in the census statements is 23,180, of which 4,411 were unoccupied on the night of the census. In these figures are included caves and other such places, but I think it may be safely calculated that there are at least 22,000 houses in Kulu, and that at least 3,000 of them are occupied only at the time of sowing the seed and reaping the harvest. The climate creates the necessity for these temporary dwellings, which are known as dogris or sharans. The cultivators often live miles away from their rice land, which lies low down, and is divided among the people of the kothi who live high up in the hills. They come down at certain seasons with their cattle to work up the soil and their sheep and goats to manure it, and again at harvest time. In some cases also when a village stands high up and on a slope with northern or cold aspect, the people come down in a body to the temporary dwellings during winter. There is generally also a house or two on the outlying cultivation, which is often higher than the homestead, having been taken up at a later time. These form the nucleus of a permanent hamlet, but are now occupied only for a few months. For rice land and the lower parts of the valley no more temporary dwellings are required, and when application is made for timber to build a new dogri on rice land special cause should be shown for the necessity for such a building. In other places trees for dogris should be given only when it is known that cultivation is increasing, and that can easily be ascertained. It is not uncommon for a large land-owner to have a separate house for each of his wives; but however convenient it may be for himself, this is not necessary, and the forests should not be taxed because he has married wives instead of engaging as many farm labourers, who would all live in one house.

Grants of trees for building purposes. No trustworthy information as to the real requirements of the people.

131. The free grants since 1876-77 are given below:—

	1876-77.	1877-78.	1878-79.	1879-80.	1880-81.	1881-82.	1882-83.	1883-84.	1884-85.	1885-86.
Trees given	11,685	23,609	29,528	29,224	33,724	20,935	27,950	12,579	11,344	6,032

It will be noted that there has been a decrease since 1880-81, except in 1882-83. The increase in that year was entirely in Outer Sahraj, where in 1881-82 only 2,350 were given, and in 1882-83, 7,374. Moreover in 1882-83, 950 trees were cut from fields as compared with 192 in the previous year, 1,570 were not removed from the forest within the time allowed, so that the actual number cut from the forests in 1882-83 was 25,430, and the excess given in Outer Sahraj over 1881-82 was over 5,000. These large grants in Outer Sahraj are explained by the lengthened presence of the Forest Officer in that part of Kulu while demarcating the forest, and also by good crops after rather unprosperous years. The fact that the grants have varied from 33,724 in 1880-81 to 6,032 in 1885-86 shows how far we yet are from forming any approximate estimate of the timber requirements of the people. This will be still more clearly brought out by the statement showing for each kothi the number of houses and families and the grants of timber. It seems to me that the grants for 1885-86 are insufficient for the people's wants, and complaints have been made that where twelve or fifteen trees were required, only two or three were given. It has been explained that in the beginning of the year the grants were very much cut down, but that the bad kharif accounted principally for the diminution in the grants, as the people could not afford to build. The grants will certainly vary with good and bad seasons, as a man must have saved money or grain before he can begin to build a new house of any size.

Forests amply sufficient to supply timber for local wants and for export.

132. If a house in Kulu requires 40 trees, and lasts 50 or 60 years, the number of trees required for the 22,000 houses would be 14,000 or 15,000 trees per annum, without any grants for cattle-sheds and other agricultural buildings. Judging from this the total number required would be about 20,000, whereas 6,000 have been given this year and about 12,000 in each of the previous years. With the data now available it is impossible to form any correct estimate of the people's wants; but of one thing there can be no doubt, that there need never be any fear of the Kulu forests being unable to supply the demand. Kail (blue pine), the tree on which the people most depend, is rapidly spreading, and is of comparatively quick growth. The Conservator of Forests has on several occasions borne witness to the excellence of the natural reproduction in Kulu. Even though 20,000 trees were given every year, there would be an abundance for local purposes and even for export. The former large grants in Kulu were unfavourably compared with those in Bashahr, but the circumstances are not the same except in the comparatively small part of the inhabited country west of Wangtu. The Kulu figures, moreover, include trees given from fields, deodars sold at Rs. 3 a tree, and a few inferior trees which in Bashahr are cut without permission and are not shown. The grants in Kulu and Bashahr were almost equal in 1884-85, and this year (1885-86) the Kulu grants will probably be much less than those for Bashahr.

Grants of timber in 2nd class and undemarcated forests.

133. One of the objects of the division of demarcated protected forests into two classes was that the 2nd class and undemarcated forests "should be managed through the agency of the Negis (headmen) of the kothis, who would be responsible for their

proper management, while the Forest Department would merely control the action of the Negis; the latter would grant trees to the people in accordance with the rules, assisted by the Rakhas who are paid by the kothis" (Dr. Schlich's Suggestions). It is intended that the 1st class forests will be managed exclusively by the officials of the Forest Department without the assistance of Rakhas. This will probably not be possible in all cases without a larger establishment, and it may for a time be found necessary to utilize the services of the Negis and the Rakhas in the management of the more isolated and less valuable 1st class forests.

Authority to be given to the Negis under certain conditions.

134. Dr. Schlich was prepared to give the Negis much greater authority in 2nd class and undemarcated forests than could in my opinion be safely entrusted to them. They used to have power to give up to 40 pine trees (exclusive of deodar) at a time either for new buildings or the repair of old ones, and to this system Dr. Schlich was ready to return. The scheme now proposed is that certain Negis, selected by the Assistant Commissioner, shall have powers to grant trees for the repairs of existing buildings, up to ten trees at a time; but in order to have a check on the grants, the total number of trees up to which the Negis may make grants in a year should be fixed; the grant of trees beyond the number fixed would rest with the Forest Officer. Instructions should be issued as to the kinds of trees to be cut, the registers to be kept, and the returns to be submitted. In no case should the Negis have authority to give trees for new buildings. In such cases the applications would after due attestation be sent to the Forest Officer for disposal. All applications for trees from 1st class forests should be disposed of by the Forest Officer, whether they are required for the repairs of old houses or to build new ones. This is far short of the scheme proposed by Dr. Schlich, but it will still relieve the Forest Officer of part of his present office work. It will be a concession much valued by the people, and it is not likely to result in greater expenditure of timber. The arrangement will facilitate the grants for repairs and will accentuate the difference between grants for old and for new buildings. The necessity of applying to the Forest Officer in case of new houses will make the people repair their old buildings, and the annual grants of trees may ultimately be reduced. There will be less delay in giving trees for repairs, and in the case of new houses delay is of less importance. A man must have saved some money or grain before he can build a house of any size, and if he submits his application in time, the trees will be given as soon as he requires them. In all such applications full and searching enquiry should be made into the necessity for the new house, and the necessity having been established, the grants should be fully adequate for its construction. Up to a very recent time local enquiry even by a forest guard was rare, but now in the case of applications for trees to repair existing buildings the Negi and forest guard report after inspection the number of trees necessary, and for new buildings the forester has to visit the spot and report fully why a new house is necessary, and the number of trees that should be given. Also as a means of checking the grants, a certain number of kothis are made over to the Assistant Commissioner, Forest Officer, Tahsildar, Naib-Tahsildar and Forest Ranger, who visit the hamlets in their kothis and ascertain the adequacy or otherwise of the grants that have been made.

Rule drafted as to licenses to cut trees.

135. In the rule now drafted, it is proposed that the Assistant Commissioner may delegate his authority in regard to any of the reserved trees, and in regard to any of the forests to the Negis of the kothis under such conditions as he may think fit to impose. The granting of deodar, walnut, box, ash, elm and alder should, in my opinion, be always in the hands of the Forest Officer. The granting of any of the other reserved trees may be left with the Negis selected for the purpose. The rule allows for the arrangement of the details by the local officers, which seems better than laying down rules which may after experience require alteration.

Trees required for public works free until new Settlement.

136. Trees are granted free for all public works in Kulu, whether carried out by the Assistant Commissioner or by the Public Works Department. The Conservator of Forests wrote in 1878 that there was a peculiar necessity for timber in Kulu which did not exist except in similar forest countries, and he recommended that in consequence of the exceptional position of Kulu timber might be granted free for all local district works, excepting, however, any large or imperial work. The question has been several times raised since 1878, but the Conservator in his No. 1094, dated 17th October 1884, to the Punjab Government, has agreed to let the matter remain in *statu quo* until the revision of the Land Revenue Settlement, for it is intimately connected with begar and the maintenance of local roads and bridges which are provided for in the Settlement Records. He wished, however, that reserves and 1st class protected forests should not be called upon to yield timber except against payment at the market rate.

Right of revenue-payers to timber free or at zamindari rates.

137. The question has been raised with special reference to deodar, but applying in principle to all trees, whether the people can claim timber at rates lower than the full market price. Mr. Dane, Assistant Commissioner of Kulu, was of opinion that no one has a right to demand deodar trees at the

low rate (1) because it has always been regarded as a royal tree, (2) because Government can fix any price it likes for it, and (3) because it cannot be cut without the permission of the Forest Officer, who can give or refuse such permission at his discretion; but whether this opinion was correct or not he considered that the matter should be dealt with on its merits at the next revenue settlement. On the contrary, I think that revenue-payers have an actual legal right to receive under certain conditions whatever building timber they require either free or at nominal prices, at least during the currency of the present Revenue Settlement. The trees were at the Settlement declared the property of Government, subject to the rights of the people, and one of these rights was to get free of charge the timber they require for domestic and agricultural purposes (*vide* Settlement Report, paragraph 98). In the case of deodar, which was once given free, the price has been gradually raised from four annas to one rupee, and now to three rupees; and it may be said that if such an increase in the price is possible, Government may raise it to the full value of the timber. It might just as well be said that the local rate might be so raised as to take away from land-owners all that the payment of the revenue leaves to them. The Forest Officer cannot give or refuse the trees applied for just as it suits him. If he finds that the trees are required and that the grant of such trees is in accordance with custom, he may not refuse to give them. No one is entitled to make his whole house of deodar, but he is entitled to sufficient timber for the house he has to build, and among other trees to a few deodars for doors and windows according to the prevailing style of building. The right to building timber may not be so strong as the right to pasture and to fuel and other rights which have always been exercised without permission; but it is a right which can be legally enforced, subject to equitable conditions, which are left very much in the hands of Government. In the Kangra Valley, where there are several so-called royal trees, zamindari rates have been guaranteed during the present Settlement. In the Bindraban and Karanpur Forests of the Hoshiarpur District, which were inherited as State property from the Sikhs and are solely the property of Government, the question whether the people had a legal right to bamboos free was finally decided in their favour. In Bashahr, as in Kulu, deodar trees are given to zamindars. At the next Settlement Government may impose prices or assess the forest rights to revenue just as it may assess land, but the rights will belong to the people just as much as their land.

Dr. Schlich's proposal for price of deodar.

138. Dr. Schlich proposed a sliding scale of prices for deodar trees sold at reduced rates to zamindars, as under—

Up to 3 haths girth	(4′ 6″)	Measured at 3 haths from the ground.	Re. 1 per tree.
„ 4 „ „	(6′)		Rs. 2 „ „
„ 5 „ „	(7′ 6″)		„ 3 „ „
„ 6 „ „	(9′)		„ 4 „ „
Above 6 „ „	(„)		„ 5 „ „

These were maximum rates, and the Forest Officer might reduce them and sell trees that were not straight or sound at such lower rates as the people might be willing to give for them. His object was to secure a better price for the good trees and also to get unsound and crooked trees removed from the forests, even though they did not fetch Re. 1 per tree, that being at the time the fixed rate for all deodars.

The proposal not accepted by local Forest Officer.

139. This proposal was accepted by me, but objected to by Mr. G. Smith on the ground that it was made on the understanding that the establishment would be increased according to paragraph 23 of Dr. Schlich's Report; that a graduated scale gives many opportunites for peculation unless strictly supervised; that for purposes of check stumps should be left 3 haths high, which would involve great waste of valuable timber; and he proposed a fixed rate of Rs. 5 per tree with discretion to the Forest Officer to reduce the rate for dry, unsound, or crooked trees. I am still in favour of the graduated scale, but without efficient check that is, without sufficient superior establishment, such a system is certainly open to abuse. The present establishment is not equal to the work it has already got to do; and as it cannot at present be increased, it may be necessary to give up for a time the sliding scale.

Rate for deodar now proposed Rs. 3 per tree.

140. Before the present enquiry the rate for deodar was Re. 1 per tree, which was admittedly inadequate, especially as the people cut as large trees as they could find conveniently near their homes. All trees required for building purposes, whether deodar or others, are now marked by a Forest official before they are cut. In ordinary cases that official is the Rakha; but a forest guard, who is probably more intelligent, marks deodar trees, and instructions have been issued for the proper selection of trees for felling. The deodars cut by zamindars are always large, and according to the graduated scale would cost not less than Rs. 2 and perhaps Rs. 3 or Rs. 4. Hence Mr. G. Smith and I agree in proposing Rs. 3 as a fixed rate for deodar trees of any size.

Right to deodar excluded from 1st class forests.

141. A right to deodar trees at the reduced rate has been allowed only in the 2nd class and undemarcated protected forests. The people have hitherto been allowed to cut deodar in all except the old demarcated forests; but the demand is not large, scarcely ever exceeding 400 a year, and with the increase in the price it has been very much reduced, as the number sold in 1885-86 at the zamindari rate was only 57. Indeed, only the wealthier classes buy deodar in any number, but every one tries to get one large tree for doors and windows. Though no right to deodars in 1st class forests has been admitted, the Forest Officer will generally find it convenient to sell the less valuable trees from these forests. On the whole, then, the restriction now imposed will not press hardly on the people, and a sufficient number of trees will be found outside the 1st class areas to satisfy all demands.

Temple groves.

142. Where temples are situated in demarcated forests some area has generally been marked off round them within which trees may not be cut under any circumstances unless dry, and then only for the repairs of the temples. A general condition, applicable alike to demarcated and to undemarcated forests, has been recorded, that green trees may not be cut within 40 yards of any temple or of any building connected with any temple; that dry deodar trees standing within this area may be cut for the repair of the temple with the Forest Officer's permission. Trees from temple groves have sometimes been given free for the use of the temple, and this custom might be continued so far as the grant of dry trees is concerned.

Zamindari rate for other valuable trees.

143. Walnut and box have also been considered priced trees, but they have rarely, if ever, been bought by the people, who do not require them. If a small piece of walnut is required, as for the masan, used in spinning wool, it can always be got from the trees on fields. Ash has never been priced, but there are only a few in Kulu, and it is now proposed to impose a price in order to ensure its preservation and extension. The price for these three trees, walnut, box and ash, proposed by Mr. Smith and my self is Rs. 3, the same as for deodar. This rate is a maximum, and the Forest Officer should sell any of these four kinds of trees that are not straight or sound at such prices as he can get for them. With these four exceptions, all trees will be given during the present Settlement to right-holders free to the extent of their right.

Market rate for trees of all kinds.

144. The rates at which timber is now sold to shop-keepers and others who are not right-holders are merely nominal prices. Large kail, rai, tos and alder are given away at 4 annas each, and deodar at Rs. 5. Though the distinction between those that are, and those that are not, right-holders may be relaxed so as to allow the latter to graze a cow or two and to collect dry fuel, it should be strictly maintained in the matter of building timber. It is now proposed to largely increase the old rates and to charge full prices in all cases as in the margin. For chil, rai, tos and most of the other trees there is at present no market. The demand is mostly for deodars and kail. Five times the zamindari rate for deodar is not too high as the market price. Rupees 5 for kail as compared with the present rate of annas 4 may appear excessive, but it is not more than a good tree conveniently situated is worth. I have in these cases accepted Mr. Smith's proposals, and in one or two cases I even increased his rates. If the forest establishment in Kulu was of sufficient strength, it would in all cases be better to sell timber by the cubic foot, but at present that seems scarcely possible.

Selling rates of trees for others than-right holders.

	Rs.	A.		Rs.	A.
Deodar	15	0	Alder	2	0
Walnut	12	0	Elm	2	0
Box	12	0	Yew	2	0
Ash	12	0	Chestnut	1	0
Olive	12	0	Khark	1	0
Tali	5	0	Mulberry	1	0
Cypress	5	0	Darl	1	0
Kail	5	0	Kakara	1	0
Chil	1	0	Phals	1	0
Rai	1	0	Maple	1	0
Tos	0	8	All others	0	8

Rates introduced in anticipation.

145. These new rates for trees, both for zamindars and for non-rightholders, were brought into force in the beginning of 1884 in anticipation of sanction, as the demand for deodar by zamindars and for kail by shop-keepers had increased, as a rise in prices was known to be contemplated.

Share of local income now given to the people.

146. At present a four-anna share of the income from local sales of trees is given to the village officials and communities in the following proportions :—

	Rs.	a.	p.
Negi and Lambardar	0	1	6
Patwari	0	0	6
Rakha	0	1	0
Proprietors of the kothi	0	1	0

These sales consist of deodar sold to zamindars and of kail to shop-keepers, and the income is very small. In 1883-84 the whole was less than Rs. 500; so that the share for distribution was not much over Rs. 100. No share is given on account of trees cut by Government, whether for public works or for export. In the Kangra Valley, where the soil of the waste belongs to the village communities, a share is given of all sales; but in Kulu the share is confined to income from local sales, perhaps because Government is the owner of the waste. But this four-anna share does not represent either in Kulu or in Kangra a malikana or a proprietary right in the forests, but was given solely to secure the co-operation and assistance of the people in the management of the forests.

Proposed distribution of this share in future.

147. The proprietor's share goes into the common fund of the village, and, being small, it disappears; so that the people derive no benefit from it. I propose to take away their share, and also the share of the lambardars, who do not occupy the same position as in Kangra and have little or no influence with the people, and to distribute the four-anna share thus:—

	Rs.	a.	p.
Negi	0	1	6
Rakha	0	1	6
Patwari	0	1	0

In all forest matters the Negi is responsible as well as the Rakha, and in the 2nd class and undemarcated forests it is proposed to invest him with some limited authority to grant trees for building purposes. He attests the requirements of all applicants for timber, and he is generally consulted before leases to break up waste land are given. The Rakhas are sometimes paid in cash, but generally in grain, and have always much trouble in getting the little to which they are entitled. It is impossible at this time to make any change in the system of payment which forms part of the agreement made with the people at the Revenue Settlement, but in the new Settlement their pay should be a small percentage on the revenue and be paid along with it. Forty of the Rakhas now get Re. 1 a month from the Forest Department, but that allowance will probably be taken away when first class forests are removed from the charge of the Rakhas and are put under forest guards. I therefore would give the village Rakha a more substantial share than he at present gets, and make him equal with the Negi. The Patwari will write the applications for timber, and will be held responsible for the correctness of the entries. For this he will receive a small fee from the applicant. In cases of breaking up new land he should inspect the ground before he gives the applicant for the land a "parcha." The four-anna share will, as heretofore, be given only from the income from local sales and only from the second class and undemarcated forests, which will be managed more directly by the village officials under the general supervision of the superior forest staff, and may be considered village forests. An entry to this effect has been made in the records, retaining also to Government a right to resume the grant if the village officials do not assist in the management.

Fodder grass.

148. In Kulu grass is largerly cut and dried for use in winter, and for this purpose steep open slopes unsuited for grazing are set aside. The grass, instead of being left on the ground, as in the Kangra Valley, until it has become quite dry and almost useless as fodder, is cut when the bright weather in September has set in, and is treated just like hay in England. In some few cases these grass lands, known in Kulu Proper as phat, and in Sahraj as ghayan, were at the Revenue Settlement recorded in the names of individual owners; and these have as far as possible been excluded from the demarcation, and wherever they have been included the right to cut grass has been admitted and continued. In these two parts of Kulu, however, most of the grass land within forest limits was not entered as the property of individuals, probably because it often lies at some distance from the homesteads. In such cases the right of the hamlet to cut grass has been noted in the record; but this is not a proprietary right, and, while it should be taken into consideration in closing a part of the forest, it will not in itself be sufficient to prevent closing. In Rupi, on the contrary, a large area of grass land has been recorded in the names of individuals, and an area of 196 acres has been included in the demarcation. A record has been prepared of the land so included, and the right to cut the grass continued. Grass land was not in Kulu assessed to land revenue, and the owners and the right-holders in it have, therefore, no claim to the trees now standing, or that may hereafter spring up; and this justifies, under section 28, the inclusion of such land in the protected forests. Already many slopes from which grass used to be cut are covered with young trees, and as fires are more and more prevented the process will go on. Still there will always be an ample area of grass land, though probably not so conveniently situated as heretofore.

Various herbs used for fodder.

149. Besides ordinary grass, many kinds of herbs are used as fodder. A kind of iris, known in Jagatsukh as kadari, in Nagar as gulsosini, and in Sahraj as churwachi and chalocha, which grows on damp northerly slopes is used as fodder for sheep in winter.

It is allowed to wither on the ground, and is cut in autumn. In Outer Sahraj shakair and satpacho, kinds of herbs, are also largely used as fodder in Raghopur Kothi.

Trees lopped for fodder.

150. Besides grass the forests supply a large part of the fodder requirements in the shape of leaves of certain trees and shrubs. There are few trees not lopped for this purpose, but the following list contains those that are most valued :—

(1) The three oaks are lopped in winter as required, and the leaves are known as "jore." The mohru is preferred, and such trees near villages are private property and are brought and sold with cultivated land.

(2) The leaves of the horse-chestnut, mulberry, elm, khark and other trees are cut in October, dried and stored for winter use, known as "chor," which in the Malana dialect is the name of the large leafed elm, a tree highly prized for this purpose. These trees also when near villages are private property.

(3) The leaves of the willow, maple, bird cherry, khark, poplar, phagra, olive and of many other species of trees and brushwood are lopped and eaten in the forest; or, if near the homestead, are carried to it. Such fodder is known as "paleas" or "palula."

When fodder trees are near villages and are private property, they are allowed one year of rest; otherwise they are lopped every year. These trees are all lopped to the top without any restriction. Dr. Schlich saw no necessity for imposing any limit, and so in the records lopping for fodder has been left to be exercised just as at present. Of the twenty trees which it is proposed to reserve the following are lopped for fodder, *viz.*, elm, olive, chestnut, celtis, mulberry, hill tun, kakaran and poplar. Eight are not now lopped for any purpose, *viz.*, deodar, box, walnut, ash, alder, yew, cypress and shisham. Occasionally the yew is lopped for fodder, but not often, and it has now been forbidden. The leaves of box and ash are also suitable for fodder, but they have not been lopped for some years. There are very few such trees in Kulu, and the restriction is not felt. The four pines, kail, chil, rai, tos, may be lopped under certain restrictions for manure and for charcoal, but they are not suitable for fodder.

Manure. Pines lopped for manure.

151. In many places grass is used as bedding for cattle and ultimately as manure also the straw of buckwheat and the barao or bracken fern (*Pteries aquilina*) are largely used; but the manure most valued consists of pine needles, either dry or green. The custom of lopping green branches of kail, rai and tos for manure (known as rakhati in Kulu and as chain and sothur in Sahraj), prevails mostly in Waziri Rupi and in Inner and Outer Sahraj. In Kulu Proper it is less common, except at the very top of the valley; in Waziri Lag it is unknown. Even where it does exist in Kulu Proper, it is now confined to rai and tos; whereas kail also is lopped in Rupi and Sahraj. No limit on the height to which the trees might be lopped had been imposed up to the present Settlement, and the result is that only a few branches have been left at the top, and that what would otherwise have been a forest now presents the unsightly appearance of bare poles so common in Outer Sahraj. In that part of Kulu the area of forest is comparatively small, and the demand for manure is very great; so that the trees have been most ruthlessly lopped. In the whole of Kulu the lopping is almost entirely confined to the rains when the leaves are found most useful for bedding, and wherever the right has been allowed in a 1st class forest it has been restricted in time. Some limit was also necessary on the extent of the lopping, and accordingly in Kulu Proper and Waziri Rupi it has been recorded that pines (exclusive always of deodar) may be lopped only to one-third of their height, and the trees lopped must be not less than two haths * in girth at three haths from the ground, and in Inner and Outer Sahraj they may be lopped to one-half their height, and the trees lopped must be not less than one hath in girth at three haths from the ground. The trees that may be lopped in Sahraj will still be small, but at present trees not even a foot in girth are lopped to the top, and to have at once imposed greater restrictions would have caused great hardship and interfered with the cultivation of the land. The restrictions now imposed will apply to all the forests of Kulu, demarcated and undemarcated, wherever the right to lop pines has been admitted. They will cause dissatisfaction for some time, but they are necessary, and ultimately when the trees have recovered their foliage there will be as large a supply of leaf as now.

Limitations imposed on lopping.

* NOTE.—A hath is 18 inches.

Limitations vary with the locality.

152. Dr. Schlich proposed that in all the 2nd class and undemarcated forests kail, chil, rai, and tos might be lopped to one-half their height without any limit on the size of the trees, and that the trees might be lopped for any purpose whatsoever. In Kulu Proper kail has not been lopped for manure for many years; and in the interest of the people themselves I think the present custom should be adhered to, which allow

kail to be lopped only for the manufacture of charcoal for smithy purposes. The lower larger branches only are taken, and the trees are not injured. If lopping was allowed for all purposes, the kail, on which tree the people depend most of all for building timber, and in great part also for manure (suhr or dry fallen leaves), would be mutilated all over Kulu, and the reproduction, now so marked, would be materially lessened.

Lopping for manure in old demarcated forests of Inner Sahraj.

153. In Sahraj, wherever it is possible to get green leaves, even of such trees as oak, rhododendron and andromeda, it is not common to take dry fallen leaves for manure, known in Sahraj as jarku and in Kulu as suhr. But in 1875 or 1876, on the supposition that lopping was more injurious to forest growth, or perhaps because it gave more opportunities for doing damage, all lopping was stopped in the old demarcated forests of Inner Sahraj, and the people were therefore driven to collecting dry fallen leaves. On Dr. Schlich's suggestions a return has been made to the custom prevailing prior to 1875, by which lopping of kail and rai will be permitted in these forests under the supervision of a forest official; and in consideration of this permission the collection of fallen leaves, which is more injurious to forest growth, has been disallowed. In no case has a right been given in 1st class forests to both dry and green leaves for manure; nor may deodar on waste land be lopped under any circumstances; so that the permission now given to lop pines in the old demarcated forests of Inner Sahraj will be of use to the people only in mixed forests, and in such forests the lopping of kail and rai will favour the spread of deodar.

Fallen pine leaves used for manure.

154. Just as green leaf manure is most is demand at the Sahraj end of the valley, so is dry leaf manure at the Kulu end. It is collected all the year round, except during the rains and when snow is on the ground; but most of all in Baisakh and Jait (April and May) and in Kartik and Mangsir (October and November). Occasionally it is put on the ground in its natural state, but is generally first used as bedding. It is considered almost indispensable for irrigated rice land, and for such land deodar leaves are preferred to kail, because it is said they dissolve and more speedily fertilize the soil exhausted by rice cultivation. Green leaf manure is used generally where the rainfall is great and snow lies long. The popular idea is that snow eats away the manure, and that as the green leaf manure remains longer in the soil it is most suitable for such land.

Necessity for allowing the right and limitation on its exercise.

155. Suhr is found principally in the denser parts of the forest, where there is but little grazing for cattle, not on the open bare places where there are necessarily few leaves and in consequence of light more grass for cattle. It is not brought from any great distance, and, however hurtful the custom may be, it is necessary to allow its exercise in 1st class forests, from which, lying as they do near villages and cultivation, most of the suhr is taken. Wherever the right has been allowed in these forests, it has been limited to certain times, generally a week in spring and a week in autumn. Different times had to be fixed for different kothis, and in a few cases for different forests in the same kothi, depending on the special circumstances of each locality. The weeks fixed in Monali, where snow falls early and lies long, are Baisakh 20th—27th (second week in May) and Sawan 20th—27th (second week in August); while in Nagar, which is lower down, the weeks are Chaitr 20th—27th (second week in April) and Mangsir 1st—7th (third week in November). No special permission will be required to collect the suhr, or to lop trees within the fixed times. No application need be made to any Forest officials on this subject.

Trees for agricultural and domestic implements.

156. The trees preferred for the various parts of the plough and other agricultural and domestic implements are—

for the share (hal) oak (karshu, mohru or ban, whichever is most handy);

for the shaft (sanj) oak, maple, kail, rai, bomphali;

for the yoke (jun or shamai) maple, darl, willow, kail, bird cherry, palan, hawansh

for handles (ari, &c.,)oak, bird cherry, wild pear, reuns;

for large rake (dandal or jandial), used in working the rice fields after water has, been put on elm, oak, willow;

for clod-breaker (jal) elm, arkhal or rikhal, kail, chil;

for musal, or mual, used in husking rice, yew, oak;

for katra, kunala, koshai, vessels in which flour is kneaded, &c., rhododendron maple, elm, chestnut.

It has hitherto been customary to cut without permission all trees required for agricultural implements wherever they might be standing; and it is of extreme importance to the people that no restriction be imposed on this right. In Kulu and Rupi and Inner Sahraj, that is in the basin of the Beas, where there are generally many inferior trees to be found,

such as rikhal, oak, maple, bird cherry, it has not been either necessary or customary to cut pines for the sanj and shamai of the plough. In Outer Sahraj, on the contrary, in the basin of the Sutlej, where the slopes have mostly southerly aspect, and are bare, there are in some places very few trees except pines. Scarcely any maple are found, and bird cherry only here and there. It has here been customary to cut both kail and rai for the plough without asking permission. Wherever other trees could not be found, a right to cut these pines has been recorded, subject to the conditions (1) that rai and kail for the sanj must not exceed a hath in girth at the ground ; (2) that kail for the shamai must not exceed two haths in girth at the ground, and (3) that in all such cases where kail and rai are cut without previous permission notice must at once be given to the Rakha or other forest official in charge of the forest where the trees have been cut. In most of the 1st class forests, wherever oak, maple and bird cherry exist, the people have been allowed to cut them without permission. Maple, though a valuable tree, has not been included in the list of reserved trees which may not be cut without permission, because it is constantly required by the people for ploughs.

Yew branch used as household god.

157. I may here refer to the custom of putting a small piece of yew in the left hand corner of a house at its consecration before it is occupied. It is the Bastar Deo, or, household god, who will bring prosperity to the house, doubling the number of the flocks and increasing the outturn of the crop. A branch of the yew is sufficient, but it must be, cut from the place and at the time fixed by the Brahmin. For this purpose certain places are noted for the good quality of their yews : for instance, the Jumari Dhar in Jagatsukh, which is known as a " Samiru parbat." The yew often sends up several stems from one root, or one stem branches out near the ground; and it is said, if the tree has one or two or four stems, it is unsuited for the Bastar Deo, and that only when there is an odd number will the branch required be cut. I am doubtful, however, whether this custom is generally observed. As it is only when a new house is built that the yew branch is required, no damage can be done by allowing it to be cut without permission, and that has accordingly been done, even though the yew is a reserved tree. Again, a silver fir (tos) is set up on the 1st or 5th of Baisakh like a maypole to welcome the summer. A spruce is set up in Posh known as dhaj, round which the men dance. The Negis will be able now to give such trees without reference to the Forest Officer.

Firewood. Cutting of dry standing trees.

158. Large quantities of firewood are consumed by the Kulu people, and a great part of it is cut green and stored for use in winter. In the lst class protected forests they may take all dry wood lying on the ground except deodar, walnut, box and ash, and permission has been given in almost all cases to cut green standing trees of certain kinds. They are for the most part very inferior species, generally only shrubs, unfit for any other purpose. The record is in keeping with the custom obtaining in old demarcated forests, and no restriction seemed necessary except to prevent the felling without permission of dry standing pines which might in falling do much damage. In the 2nd class and undemarcated forests permission has been given to cut all dry standing trees except deodar, walnut, box and ash. This has been objected to on the ground that it may lead to the killing of trees. This right may no doubt be abused, as any other right may be abused, but that is no sufficient reason for taking it away. In 1876 an order was passed by the Forest Officer, probably confirming the former practice, that all dry trees except deodar might be cut whether standing in the old demarcated areas or outside them. Moreover, the matter was laid before Dr. Schlich when he was in Kulu, and he agreed that such trees might be felled without permission except in the 1st class forests ; and this was embodied in the rules he prepared, which allowed whatever was not expressly forbidden. Dry standing trees are generally used only for fuel, but occasionally they may be taken for building. To impose any restriction would produce constant encounters between the people and the forest officials ; and I see no sufficient reason for departing from the established custom, expecially as the Inspector General of Forests himself had no objection to its continuance.

Torches and charcoal.

159. For torches the stumps of deodar and of kail are cut, the latter being preferred. The marks put on trees prior to cutting should be kept as low as possible, so as to allow the stumps to be utilized. Oil is also made from deodar stumps. Charcoal for sale at towns and in camping-grounds is almost invariably made from oak trees, which may be cut without permission; but such charcoal is unsuited to the purposes of the blacksmith. For working in iron, charcoal made from kail is preferred in the whole of Kulu ; and for this purpose that tree may be lopped even in Kulu Proper, where it may not be lopped for manure. In some places where little or no kail was left outside the limits of the 1st class protected forests permission has been recorded to lop in these forests under the supervision of a forest official, which does not mean that application must be made for permission in a formal manner, but that the blancksmith when he wants charcoal must inform the forest guard, who should see that he lops only the lower branches of the larger trees. Rai charcoal is, also used, but it is not so good. The same rules apply to the lopping of rai for charcoal as to kail. The burning of charcoal will be prohibited in lst class, but allowed in 2nd class, protected forests.

160. It is customary to cut two small kail or rai trees for the bier of the dead, and also to cut standing kail, chil, rai or tos for burning the dead. These wants have been provided for generally in the the 2nd class and undemarcated forests by allowing such trees to be cut without previous permission, on the condition that notice is at once given to the Rakha in charge of the forests. At Sultanpur, elm trees are cut for the cremation of the dead; but as there is always some forest official present there permission should be got before cutting.

Fuel for funeral purposes.

161. Besides these larger rights, which are so necessary to the people, there are many other demands on the forests, which from the forester's point of view, may not be of much importance, but are highly valued by the people. They make ropes from the nettle, from bagar grass, from brushwood, and the bark of small elm branches. The revenue is often paid by the sale of fruits (walnut, apricot, peach), medicinal roots (karu, patis), and incense (bethar, gugal, dhup, &c.). The fermentation of lugri, the hill beer, which is consumed in such quantities at fairs and in working up the rice fields, is accelerated by certain plants found in the forests (matosal, tathimang). The Kulu "topi" is dyed black with the root of the jakri plant, and the edge of the Kulu blankets with majit. The bark of the oak, the leaves of the tung, and the wood of the lodar or loij are used in tanning. The bark of the bhoj-patra is used as paper for writing, for making umbrellas, and also for covering rice about to be sown, probably to stimulate germination by heat. Iron is found in several places in Sahraj, and it is still extracted, but not to any great extent. The ore is now more difficult to get at, and most of the iron used is imported.

Miscellaneous rights.

162. In the records of Mr. Barnes' settlement a right was generally given to catch musk deer and hawks, and no restriction was imposed as to the form of net to be used. In some cases the right has also been recorded in the Revised Settlement, and in paragraph 97 of Mr. Lyall's Report the custom is referred to in general terms. The custom of snaring musk deer seems common only in Rupi, but hawks are caught in most of the higher kothis in the sub-division. The permission of the Assistant Commissioner has always been considered necessary to the setting of nets, except in Rupi where the permission is given by the Rai on payment of dues varying with the circumstances.

Netting and snaring rights recorded at first Revenue Settlement.

163. There are two forms of net used in catching hawks—(1) the jal-thathi or three-sided net, in which a chikor or other decoy is placed, and when the hawk swoops down on his prey through the open side and attempts to rise he is caught in the net. This form requires the constant presence of the hawk-catcher; (2) the langri or lamba-jal, which consists of several small nets, six feet square, erected on poles at intervals along the ridge, and hawks flying across the ridge get caught in them; no decoy is used, and the hawk-catcher, who may have hundreds of such small nets, comes only morning and evening to see the result. The form of net generally used before annexation was the three-sided net, and it may be presumed that the right given by Mr. Barnes extended only to its use, but the long net was used constantly from his Settlement up to 1883, and it is much preferred by those who use this means of increasing their livelihood. In that year an order was passed that only the three-sided net should be used, on the ground that the long net was intended more to catch pheasants than to catch hawks; while pheasants cannot be caught in the three-sided net. This decision, which applied to Rupi as well as to Kulu, was objected to by the Rai, whose income from licenses was interfered with. Probably pheasants are caught in the long net, though the people allege that it is too high above the ground to catch them; but the Commissioner did not think it legitimate to insist on the abandonment of the long net because a stray pheasant occasionally is caught in it, and the Financial Commissioner laid down that "if the Rai of Kulu and other zamindars have a right to catch hawks, they are entitled to choose their own means of doing so, except so far as they may be restrained by rules issued under the Forest Act." In Rupi and in Kulu generally the question has been disposed of by cancelling the order of 1883 and recording a condition that the nets used shall be in reality suitable for the capture of hawks, and not intended for the capture of pheasants or other winged game; and under this condition I persume that the long net may be used.

Form of net for catching hawks.

164. The forest rights of the people are very intimately bound up with the Revenue Settlement by the acceptance of which the rights were guaranteed to them. It may be fairly presumed that the miscellaneous income derived from the sale of sheep, patu, wild roots and herbs, honey and bees wax was taken into consideration in assessing the revenue (*vide* paragraph 109, Lyall's Settlement Report.) In paragraph 143 of the Report Mr. Lyall admitted that the statement made by the Kulu people that Mr. Barnes at Settlement included an equivalent for all grazing fees in their assessment of the land

Connection of forest rights with Revenue Settlement in Kulu.

revenue was valid, and that fees for grazing could not be imposed during the currency of the present Settlement. He also recorded (paragraph 98) that "the villagers have a right to get free of charge the timber and fuel they require for domestic and agricultural purposes." The only right upon which up to this time any price has been placed is that to deodar and a few other trees used for building purposes. The trees mostly required by the people, such as blue pine, spruce and silver fir, have always been given free. None of the other rights have been taxed, and they should be allowed free up to the new Settlement.

and in Rupi.

165. In the first Regular Settlement of Rupi, which began in 1875, the Settlement Officer was instructed to "take into consideration all circumstances directly or indirectly bearing upon the assessment, such as the habits and character of the people . . . the existence of profits from grazing, and the like." It was pointed out that the existence of other sources of profit, in addition to those derived from agriculture was no reason for reducing the share of the net produce below the share taken elsewhere. In fact, however, the assessment was based almost entirely on former collections, and in his memorandum on the Assessment Report, Mr. Lyall wrote that the money to pay the revenue in Rupi was not in the main derived from the sale of crops but by the sale of opium (if it was grown), or in the remote villages by the sale of honey, walnuts, forest herbs and roots, blankets, sheep and goats.

Revenue includes payment for rights.

166. There can be no doubt that the present revenue of Kulu includes a considerable sum on account of the benefits derived from the forests. The average assessment per acre is Rs. 2, the same as for the Kangra Tahsil with its large area of rice land and proximity to good markets. The rate in Dera, Nurpur and Hamirpur is only Re. 1 per acre. The area of cultivation in Kulu is certainly much under-estimated but under any circumstances the assessment is higher than in Dera, Nurpur and Hamirpur. The natural advantages these three tahsils possess in a more temperate and equable climate, allowing of two crops in the year, the proximity to markets with good roads and consequent high prices for agricultural produce, are counterbalanced in Kulu by very large forest rights, abundant fuel, fodder, grazing and manure. In the reassessment of the revenue it will be necessary to consider the value of these rights, for they form part of the assets of each village, and will be liable to assessment. The separate assessment of the land on its own merits as if no forest rights existed, however easy it may appear theoretically, will probably be found practically impossible. Without the forest rights the people could not exist in such a country, and the land could not be cultivated. They must have houses suitable to the climate. They must lay in a stock of fodder for winter use. They must keep sheep to provide wool for clothing and to assist in manuring their fields. It may be said that they should pay for all these things; but in that case the profits of cultivation would probably be entirely swallowed up. The following extract from the Director of Agriculture, Bombay, which refers to the use of rab in growing rice will be found applicable to suhr or fallen pine needles used for the same purpose in Kulu:—"Though rice can be grown without rab, yet rab greatly increases the yield, and therefore the food-supply of the country . . . If the full value of the materials used for rab is charged in the cost of cultivation rice cannot be grown with profit." There is even now no market for buckwheat and amaranth, which are grown largely in the upper kothis, and the revenue is paid by income from sale of wool, forest produce, &c. The present Inspector-General of Forests has estimated the value of the forest rights of the people at about Rs 60,000 of which sum Rs. 35,000 is put down for grazing, over Rs. 11,500 for building timber, Rs. 6,000 for fuel, and Rs. 6,000 for manure, minor forest produce, monal shooting, &c. This may be the price set on the rights by a Monopolist Department; but it is not the value of the forest produce on the spot, and it seems to me an over-estimate of its value to the people.

Rights to be specially assessed at new Settlement.

167. In so far as the forest rights are absolutely necessary to the existence of the people and the cultivation of the land, no tax should be assessed in addition to the land revenue. For instance, no charge should be made for the pasturing of cattle which are kept purely for agricultural purposes; nor for fuel, the necessity for which arises from the climate; nor for charcoal, agricultural implements, manure for fields, hedges, &c. The only rights which should be assessed to revenue are the rights to building timber, to pasture for sheep and goats, and to minor forest produce, such as karu and patis. A nominal price might be put on trees used for building, not because they are a luxury or a means of profit to the people, but to ensure economy in their use. The Inspector-General has valued the trees given to zamindars at 4 annas each. This might certainly be charged for all kail (blue pine) and half as much for chil, spruce and silver fir, or these three species might at first be given free. Sheep and goats are necessary to supply wool and also to manure fields; but some zamindars keep large flocks and make profits from their sale and some fee for grazing is fully justifiable.

Building timber.

The difficulties in the way of levying it are, however, considerable in consequence of the nomadic nature of the shepherds. Some keep their sheep within their own kothis all the year; some go to neighbouring kothis for summer or for winter grazing. Many Outer Sahraj flocks come to Rupi in summer, and Inner Sahraj flocks go to Outer Sahraj in winter. Many Kulu shepherds go to Lahul in summer. The subject cannot be disposed of until the new Revenue Settlement, but the suggestions made may assist those who have to introduce a new system.

Proposal for assessing sheep-grazing.

168. The proposal now made, which is practically the same as Mr. Thomson's scheme for the Jhelum rakhs (Settlement Report, Appendix XI), is that a lump sum should be fixed as the value of the right to sheep-grazing in the kothi to the people holding and paying revenue in the kothi. This sum might be fixed with reference to the number of sheep and goats in the kothi by putting on a rate of (say) Re. 1-9 per hundred. This seems the best means of estimating the annual value of the grazing. The sum thus assessed should remain fixed for five years; it would be collected by the Negis of kothis from the sheep-owners in proportion to the number held by them. The people themselves would arrange for the distribution of the dues, and the Assistant Commissioner's interference would be necessary only in case of disputes which would probably be rare. The Negi would be allowed the usual percentage for collecting the dues which would be credited to the Forest Department. This system would render a yearly enumeration by Government officials unnecessary, and it would at the same time ensure that those who enjoy the right pay for it. By distributing the value of grazing over the kothi in proportion to the amount of land revenue, it would often happen that the large sheep-owner paid too little, as his flock might be quite incommensurate with his revenue. The payment of dues for grazing within the kothi would also cover grazing in a neighbouring kothi, provided the sheep returned at night to their own hamlets and were not penned at night in the thaches of the other kothi. There is a most marked and real difference between the grazing when the sheep are kept at night in the hamlet and when they are penned in the forests, and there would be few opportunities of avoiding payment under this extension of the right.

169. For shepherds who pay no revenue in the kothi, but pen their sheep in the thaches of the kothi, a grazing tax of Rs. 3-2 per hundred should be charged whether they belong to Kulu or not. Those who have only a few sheep generall keep them at home, but large flocks are sent in summer to the higher runs in Kulu or to Lahul, and for such grazing extra dues should be paid. It is not likely that any one will acquire revenue paying land in several kothis in order to graze at the lower rate; for there is always an objection to dividing a flock, as two shepherds are then required, and if the undivided flock grazes in two or more kothis, the dues paid will be the same as if no revenue were paid. The dues paid by shepherds not having land in the kothi would be collected by the officials of the Forest Department. Under this proposal Outer Sahraj sheep would pay dues for grazing in Inner Sahraj and *vice versâ*. The Kulu and Rupi shepherds who go to Lahul would pay at the same rate. The rate would also apply to shepherds from Mandi, Suket, Shangri, Kangra and Chamba In some cases a shepherd would have to pay twice; but such is even now the case in Native States, where a sum is assessed on the run without regard to the number of sheep grazed, and shepherds often require more than one run.

Licenses for dealing in minor forest produce.

170. A proposal was made by the Forest Department to introduce even during the currency of the present settlement a license for the collection of karu, patis and such like forest produce. These roots are of some value, and by their sale the poorer classes eke out a scanty livelihood. It has been presumed that the profits made on such sales have been assessed to the land revenue and cannot at present be taxed. It is, however, for consideration whether and how the collection of fruits, roots and flowers should be assessed at the coming Settlement. The cost of collection is probably not less than the price received; so that any charge would, until prices rose, put an end to the trade. The only fair way of getting an income from this source would be to require all wholesale dealers in minor forest produce to take out a license. The people would be allowed to collect and sell it as at present, but only to the licensed dealers. The income would probably not be much, and the trouble in connection with it great; so that it seems doubtful whether it would ever be found a profitable source of revenue.

Rights of Gaddi shepherds—only a right of way.

171. I think it necessary to refer in some detail to the claims of the Gaddi shepherds, as for some years they have been attempting to get a hold on the Kulu forests, and instead of passing through to their runs in Lahul, remain for some time and even claim a right. It is admitted on all hands that the Gaddis did not use the the Kulu route to Lahul until after the British annexation (*see* paragraph 11 of Mr. Lyall's memo. on the question of interference with sheep-farming in Kangra by introduction of Forest Rules, dated 13th April 1875); and the rights now enjoyed by certain Kangra Gaddis in runs in Lahul were I believe, created by Mr. Barnes, and that under a misapprehension of the rights already existing in them. The utmost right that the Gaddis have in Kulu is a right of way; but of late years they have begun to come to Kulu early in

summer before the passes into Lahul are open, and to remain in the Kulu Valley grazing wherever they can until the snow disappears and the grass comes up. The number using the Kulu route is increasing, and instead of considering it a privilege to be allowed to graze for a few days in return for droppings, they now claim payment for manuring fields. In Jagatsukh Kothi, which has a large extent of rice land, and in which there is great demand for manure, the Gaddis are paid for every night they remain on the fields after a certain time, and they have thus besides grazing a further object for remaining below. The people also are not opposed to their grazing in the forests so long as they get their fields manured, and thus the Gaddis are gradually getting a firmer footing.

172. The Gaddis of Lala village near Palampur, to whom the runs above Purana Koksar were given at the first Settlement, told me that about 40,000 sheep and goats go to their runs alone, half by the Hamta and half by the Rotang Pass. They take 4 annas per hundred sheep as mukadami, one anna and three pies as kar on account of the rent of Rs. 13 paid to Wazir Hari Chand of Lahul, and Re. 1 for each separate piece of grazing, making in all about Rs. 150. I very much doubt the correctness of the information given both as to the number of sheep and the dues charged. Besides these sheep many flocks belonging for the most part to Chamba come by Kulu to Lahul from their winter runs in Bilaspur and other Native States, which in former years went through Bara Bangahal and over the Kukti Pass.

173. It has been suggested that a right of way through Kulu should be given only to the Gaddis with grazing grounds above Purana Koksar; but hitherto no distinction has been made between these and others, and if a right is given to any, it must be given to all. That is the intention of paragraph 98 of Mr. Lyall's Settlement Report, and custom has up to this time been in accordance with it. But that being so, there is all the more necessity for strictly confining the right to a mere right of way with such limited amount of grazing as that implies, Government retaining a right to regulate the lines of road.

They come into Kulu by three routes:—

Routes taken in coming into Kulu.

(1). Sari Pass from Kothi Sawar, through Gorudugh Thach to Samaling Phat and thence through the Galujot, a depression in the ridge, forming the water-parting of the Sarvari and Phijram, past Himri and Parbi to Dobi.

(2) Babu Pass Road.

(3) Dulchi Pass Road.

The sheep coming by these two main roads keep on the right bank of the Beas as far as Sultanpur, and above that go by either bank; but the right bank is preferred as the grazing is better. Most of them cross by the Kalath Bridge to Barsai and Jagatsukh kothis. They do not go to Rupi nor to Sahraj, and as a rule they only pass through the lower kothis going short stages every day. It is in Barsai, Jagatsukh and Monali that they halt, and it is in these kothis that most damage can be done, as the forests are the most valuable in Kulu.

Routes taken in leaving Kulu.

They leave Kulu by four routes:—

(1) Kali Hain Pass, 17,000 feet.
(2) Gora-lotinu, 15,000 feet.
} *See* Appendix III, Mr. Lyall's Settlement Report.

(3) Babu.

(4) Dulchi.

The goats return from Lahul first and are hurried along the road, so that they may be as near their homes as possible when they give their kids. They have no fleeces to be injured by the heat, and the lower roads are generally taken. On the other hand, the sheep which have given their lambs in June on their way to Lahul do not re-cross the passes into Kulu until later, and they remain longer at the high elevations, and instead of leaving Kulu by the lower passes where the heat would injure the fleeces they cross by the two high passes, unless they are closed by early snow. In going to Gora-lotinu they pass through Dobi, Parbi, Himri to the Sari-thach in Mangarh Kothi, and thence through Ales to Kothi Sawar. They used to go to the Kali Hain (which is near the head-waters of the Monalsu, Phijram and Kuish nals) from Monali up the Monalsu Nal by Niasu; but since the forests near Monali have been closed, they go along the Bedharang ridge above Kalath.

The number of days they may remain in the upper kothis has been fixed.
Barsai Kothi.
Jagatsukh Kothi.

174. The Gaddi flocks do not remain long in Barsai Kothi, and in the record they have been allowed only three nights with right of way only through Haripur, Karjan and Sajla into Jagatsukh Kothi. The established road for the Hamta Pass is through Prini and Hamta villages, and this is taken by most of the sheep; but an attempt is being

made to establish two other lines, one up the Karnoi Nal above Kaknal, and the other up the Dohangnu above Jagatsukh. Most of those that go up the Karnoi Nal return to the main road, and ultimately cross into Lahul by the Rotang Pass; but some of them keep high up, and joining the flocks from the Dohangnu get into Lahul by the Hamta Pass. The zamindars who have rights of grazing in the runs above the Karnoi and Dohangnu nals get their fields manured by the flocks that go into their runs; and moreover they claim the exclusive right of shearing the Gaddi sheep at three fleeces for a day's work, which is considered more than mere wages. The Gaddis have only recently begun to go up by these two lines of road, and as the people have no power "to lease their right in the waste to any outsiders in consideration of payment of a fee" (*vide* Settlement Report paragraph 102), a distinct order has been passed that the Gaddis have no right of way up the Karnoi and Dohangnu nals, nor any right of grazing in the waste above Kaknal and Jagatsukh; they must follow the main road from Kaknal to Prini. The right of way through Prini to the Hamta Pass was recognized at the Revenue Settlement, and the arrangements in regard to manure, which in other places are settled annually, are here more stereotyped. In going up the sheep and goats go together, and each zamindar of Prini gets a flock or part of a flock, depending on the number of sheep, penned on his fields for one night, the people themselves arranging the distribution. As the pass is generally not open, and as the sheep have to be shorn, they remain for about a month on the higher slopes. Here also the Prini people claim the exclusive right of shearing at three fleeces for a day's work. Five nights have been allowed in Jagatsukh Kothi, going up from Kaknal to Gartbari, after which place shearing commences. Above Gartbari no period has been fixed, as it is on the upper edge of the forest, above it being mostly grassy slope or birch, and the more valuable forest below. On returning from Lahul, the goats come down first, and for five nights manure the bathil or unirrigated land of Prini and of two outlying hamlets, the zamindars making their own arrangements as to the distribution of the flocks. The sheep come later and spend only one night in Prini, but in this case the Gaddis can pen their flocks on the fields of any zamindar who has promised to feed them well or pay them well. Eight nights are allowed for goats returning from Gartbari to Kaknal, five nights in Prini, and three to Kaknal; sheep are allowed only five nights.

Monali Kothi.

175. In Monali Kothi there is no established custom as in Prini. The zamindars want only manure, and not wool. The time allowed from Kalath to Ralha is seven days going up and the same time returning. They go up and return on both sides of the river; but the zamindars prefer that they should keep on the right bank, where there is more cultivation.

Time fixed for their arrival in Kulu and departure from it.

176. There is no doubt that the Gaddis for the last 20 years have spent a month or more in Jagatsukh Kothi before crossing into Lahul, and it is necessary to allow them to remain for some time on their way up and a shorter time on their way down. So long as they confine themselves to the grassy slopes above the line of trees there is little or no damage done, and no period has therefore been fixed above Gartbari and Ralha; but even to this they have got no right, and while it may be allowed as a privilege Government can cancel or regulate it, and grazing dues should be taken from the shepherds. After consultation with the Gaddis and the people I have fixed the 15th Jait (beginning of June) as the date before which the Gaddi flocks may not come into Kulu. The people asked that an earlier day should be fixed, so that their fields might be all manured before the Mirg-sandai, the local name for the fortnight of great heat between the 24th Jait and the 8th Har, when the rice fields ought to be flooded. It is almost certain that the Gaddis will now bring their sheep into Kulu by the higher passes, which are nearer to Jagatsukh than the Dulchi and Babu, as the end of May will be too hot for them below; and they will have no difficulty in reaching the rice lands before the 20th Jait. They come gradually, and manuring operations go on during the first ten days of Har (middle and end of June), so that the date fixed will not materially interfere with the interests of the people; and it will protect the valuable forests below, as the Gaddis will be anxious to get their sheep to the higher elevations out of the heat. The shearing begins on the 4th or 5th Har and goes on to the 20th as the sheep come up. In ordinary years they are all across the Pass into Lahul before the 25th Har, the first week in July. The goats return to Prini in the last week of Bhadron (middle of September), the sheep in the begining of Assauj (third week of September), and the 20th Assauj has been fixed as the date by which all Gaddi flocks must be out of Kulu. Perhaps the best means for carrying out these arrangements for the arrival and departure of Gaddis will be to charge dues at Rs. 3-2-0 per hundred in all cases when they arrive too soon or are too late in leaving.

Gaddis allowed to graze in Kulu on payment of fees.

177. Last year in consequence of the exceptionally severe winter, the Gaddis could not get to the bare plains above forests within the time fixed, and as a special case they were allowed to graze their flocks in the waste of Sari, Kais, Baragarh, Mandalgarh, Barsai, Jagatsukh and Monali kothis, outside the limits of forests, on payment of 5 annas per

hundred. The amount of fees realized was Rs. 250, showing that 80,000 sheep took advantage of the permission. To prevent any dissatisfaction on the part of the people, who were ready to complain that their grazing was interfered with, one of the conditions made with the Gaddis was that they should pen their flocks on the fields. This was in reality all that the zamindars wanted, but without such a condition they would have had to pay for the manure. The short time that the Gaddis remained could not have injured the people's grazing, but such permission should be given only on exceptional occasions. It would scarcely be possible to close any areas against grazing if Government was realizing a revenue from those who have no right to grazing in Kulu.

Payment of dues by Mandi shepherds grazing in the Upper Beas Valley, and by Suket sheep in the Upper Sainj Valley.

178. In the course of the enquiry it was discovered that the Monali people were in the habit of allowing some sheep and goats from Mandi to graze with their own flocks. There can be no objection to the cattle of Mandi villages on the border of Kulu occasionally coming into Kulu, just as the Kulu cattle go into Mandi; but the Mandi flocks could not be allowed to go to grazing runs in Kulu at a distance from their homes, and I held that they had no right in Kulu whatsoever except a right of way. It was ultimately arranged that the Mandi sheep would be allowed to graze in Monali on payment of Rs. 3 per hundred, on the condition that the permission given might be recalled if it gave rise to any inconvenience, the Mandi people having no right of pasture in Kulu. The fees realized from the source in 1884 amounted to Rs. 62, and in 1885 to just half that sum. The Suket, Shangri and other flocks, not belonging to the people of the sub-division, should be charged the same dues as the Mandi sheep, as they are in exactly the same position. The Outer Sahraj sheep that come into Kulu cannot be charged at present, as the revenue they pay is supposed to contain a lump sum on account of sheep-grazing; but all shepherds not paying land revenue in the sub-division should at once be made to pay grazing dues.

CHAPTER VI.

Draft Notifications and Rules and Statements.

Draft notification for reserved forests.

179. The draft notification for the reserved forests given in Appendix I may be issued as soon as any appeals lodged against the orders passed in the Outer Sahraj Forests have been disposed of. The period of appeal will expire on the 19th August 1886.* The date fixed in the notification from which the forests shall be deemed to be reserved should allow of time for the issue of the notice under section 20.

Draft notification for protected forests.

180. The draft notifications of boundaries necessary to constitute the forests protected under section 28 of the Act are given in Appendices II, III and IV. For the 1st and 2nd class forests which have been demarcated the boundaries of each forest are given. This was impossible in the case of the undemarcated areas; and for them, in place of boundaries, a general definition of the forest and waste lands to which the Act will apply is substituted. The declaration that the Act shall apply to all waste land belonging to the State, which practically means all the waste in Kulu, is in accordance with the decision recorded at Settlement that "all unoccupied waste lands (banjar ghair-makbuza) are the property of the State with reservation of the existing *bartan* or rights of use of the communities," and that "all the trees on such lands are the property of Government subject to the right of the communities to supply themselves according to custom and forest conservancy rules with the necessary amount of timber, fuel and leaves for fodder" (*vide* Settlement Report, paragraph 192). There are many pieces of waste—such as divided grass lands—in which individuals and hamlets have the exclusive right to cut grass; but such waste was rarely recorded at Settlement as private property, and revenue was not assessed on it. It therefore remains the property of Government, the soil as well as the trees, and may be declared protected under section 28.

For Rupi, where the soil of the undemarcated waste has been given to the Rai, another definition is necessary. The soil only has been given to the Rai; the trees remain the property of Government on all the unassessed waste, that is, on the whole waste, for only the cultivation was brought under assessment. As the trees belong to Government, the forest and waste may be declared protected under Chapter IV.

Detailed demarcation necessary in some places.

181. In the demarcation natural features have, wherever possible, been made the boundaries, especially in the 2nd class forests, where, for obvious reasons, there is no necessity for great minuteness in the definition of the line. In the 1st class forests which adjoin cultivation, it has in almost all cases been necessary to erect boundary marks; but this has not yet been done in sufficient detail, and the Forest Officer should carry on the work of erecting intermediate pillars until no doubt whatsoever can remain as to how the boundary line runs.

* The period has now elapsed and no appeals have been presented.—A.A. September 17th, 1886.

182. The next draft notification (Appendix V) declares certain kinds of trees to be reserved under section 29 (*a*), and it is proposed to extend it to all three classes of protected forests. The only trees of value not included in the list are maple (mandar), birdcherry (jamu) and the three oaks, and these are used all over Kulu for ploughs and other agricultural purposes, and no restriction in regard to them has ever been imposed. There are many other trees in Kulu, the four elms, birch, hazel, willow, two rhododendrons, andromeda, wild pear, apricot, apple, pomegranate; also various kinds of brushwood and shrubs, such as berberis, indigofera, prinsepia utils. These are all at present of little use in Kulu, except for fodder, fuel or hedges, and it is intended that they should be cut without permission, but not for waste or for sale. An attempt was once made to reserve the commoner species, the Negi's permission being required to cut them, but it failed, and naturally so. In a country like Kulu the restriction imposed was unnecessary, and was defeated by the Negi's giving general permission to cut for a whole year to any one asking for it, and supervision was impossible. Mr. Brandis thus writes on this subject in his Madras Report:—"It has been found a very useful practice in most provinces to place certain valuable kinds under special protection by declaring them to be reserved trees; but it has also been found that the measure can only be effectual and practically useful if the number of reserved trees is limited. If the list includes a large number of woods, the door is open to uncertainty and all kinds of fraud and exaction." Some of the species which it is now proposed to reserve have up to this time been cut without permission, and a right has also been retained to Government to include any other trees in the list. Greater license is not now given to the people, but considering the evil results of denudation and the almost abortive efforts made to re-clothe naked hill-sides, I think it necessary to explain why so much liberty is allowed in Kulu.

Draft notification for reserved trees.

183. In the 1st class protected forests the trees that may be cut without permission have been given in detail in the record, so that in these forests the notification does not define what trees may be cut with and what without permission. The object of extending the notification to 1st class forests is to secure the application in these forests of the provisions against fire in section 32, whichin part refer to reserved trees, that is, to trees reserved not under the record of rights, but under section 29 (*a*).

Reservation of trees tends to protection against fire.

184. The draft notifications under section 29 (*c*) are applicable only to 1st and 2nd class forests, not to the undemarcated areas. In the 1st class it is proposed (Appendix VI) to prohibit (1) burning of lime (2) burning of charcoal (3) breaking up of land for cultivation; and in the 2nd class (Appendix VII only the breaking up of land for cultivation. Charcoal is often burned in 2nd class forests, in the beds of streams and in open glades, and to prohibit the practice would cause much inconvenience. The acts prohibited by these notifications cannot be allowed even with permission until the notifications are cancelled. Dr. Schlich proposed that under certain circumstances permission might be given to bring land in 2nd class forests under cultivation. At present this is unnecessary, nor in my opinion will the necessity ever arise. If at any time it is considered advisable to allow new cultivation, the notification may be cancelled, and a rule substituted for it by which the Assistant Commissioner may permit land to be cleared for cultivation.

Draft notifications for prohibitions in demarcated protected forests.

185. The draft notification (Appendix VIII) under section 29 (*b*) gives the areas at present closed in the protected forests (*vide* paragraph 54). The areas have mostly been closed for some time, and the conditions of section 29 (*b*) have been fulfilled. The portions closed are generally surrounded by waste land, and it is impossible to give boundaries; but they are demarcated and in most places fenced and hedged to prevent trespass, so that their limits are sufficiently well indicated to the right-holders in the forests of which they form a part.

Draft notification for closed areas.

186. The rules now drafted (Appendix IX) differ very much in form from those formerly proposed, but read along with the general explanation of rights, which should be published with them, they will be seen to be practically the same as those prepared by Mr. Gisborne Smith and myself. When the rules for the protected forests of Shahpur-Kandi were submitted to the Government Advocate for his opinion, he held that the rules could not be made the means of defining the rights, but only of regulating the exercise of rights duly recorded under section 28. The object of describing the rights in the rules was not to use the rules as a substitute for the record, but to make the rights known for public information. The Government letter No. 401, dated 12th September 1885, accordingly directed that the rights should be fully and formally recorded, that the limitations imposed on these rights by custom and past practice should be recorded as well as the rights themselves; that under these circumstances special publicity need not be given to these restrictions, but that, where it was desired to do this for any reason, the limitations should be imposed by notification under section 29, and not by rule under section 31. It was also suggested that as an appendix to the rules a general explanation of the rights recorded might be published for the information of all concerned.

Rules now drafted contain no definitions of rights.

187. The rights have in all cases been recorded with all their conditions and restrictions. There has also been a certain amount of regulation of these rights carried out by their record, as has been already explained. In my opinion there is no necessity for issuing in regard to any *recorded* limitation or restriction the notification referred to in section 29 (*b*). The object of that notification is to suspend for a time the exercise of recorded rights in portions of the forest where reproduction is necessary but in which rights have been exercised. This notification will operate only for 20 years, whereas the limitations contained in the record form part of the definition of the rights and will always remain in force. For instance, the right to cut pines is subject to the limitation that permission is required. It is not necessary to issue a notification under section 29 imposing this limitation but if it is considered necessary to prevent absolutely the cutting of pines in any part of a forest where the right to cut them has been admitted, then a notification declaring the forest closed against this right must be made under section 29. When at the end of 20 years the exercise of the right is again allowed, it will still be subject to the limitation that the trees may not be cut without permission. The limitations and restrictions having been recorded can be enforced by means of rules, for section 33 of the Act merely lays down that nothing can prohibit any act done in the exercise of recorded rights; and, if the rules are in accordance with the record, they will be legal under section 31.

Restrictions recorded need not be notified under section 29 (*b*).

188. The first rule makes the rights applicable to all protected forests; the second provides for the association of the Assistant Commissioner and Forest Cfficer in their management; and the third retains to Government a right to make these forests reserved at any time it sees fit. The fourth rule lays down who may give permission to exercise rights to what has been recorded. The other rules lay down who may give permission to exercise rights in cases where permission is necessary. They specially provide for the delegation to Negis of authority to grant trees (*vide* paragraphs 133-35). If it is considered desirable to make the rules more definite by including in them special provisions relating to the exercise of existing rights (and in my opinion there is nothing in the Act which forbids such a course), the general explanation appended to the present draft and the rules formerly submitted will form the basis of any additions. The rules drafted provide only for such matters as are not included in the Act; for instance, no rule is made prohibiting the setting fire to protected forests, as section 32, which will apply as soon as the forests are put under Chapter IV, renders such an act an offence without any rule.

189. The rights of Government and of the people in trees standing on fields and on the edge of fields are not clearly defined. The entry made at the Revised Settlement is thus described on page 241 of the Report—" Trees in fields or the enclosures of houses belong to the landholder, and he can sell all except the cedar without asking permission: an exception however is made in the case of land known as 'kut' (*i. e.*, unterraced land in the forest belonging to individual families but only cultivated now and again at long intervals) to clear which by selling timber permission of officers in charge of forest is declared necessary." This seemed to me to confer a full right in such trees, but that for administrative reasons they were not to be cut without permission. The object of this restriction was, in my opinion, to ascertain whether the trees were standing on revenue-paying land; but that, that fact being ascertained, permission must be given. This was also the view taken by Colonel Davies, then Commissioner, in his No. 1052, dated 18th April 1882. But Mr. Lyall in his Secretary's No. 4360 S., dated 10th June 1882, explained that " Mr. Barnes reserved to Government a general claim to forest or wild growing trees wherever standing, but that this claim in the case of trees on regularly cultivated land was never pressed after annexation except as regards the deodar; and the practice was that though a man could not cut a deodar even in his field without permission of a Government officer, yet such deodars were not ordinarily cut by Government for the timber market or for public purposes; they were reserved until the owner of the field wanted deodar timber, and he then got leave to fell gratis. The clause in the Administration Paper was intended to embody this custom."

Rights in trees standing on fields.

The inference that may be drawn from this is that Government still retains its property in deodar on fields regularly cultivated, and in all trees on kut or unterraced land; but that under certain conditions it gives the trees to the owners of the land. For some years after the Revised Settlement deodars on fields were paid for at Re. 1 per tree, the same rate as for trees in the forest; but for the last ten years they have been given without payment, and they have also been more or less lopped. The restrictions on cutting trees on kut were not enforced until the subject was brought up in the course of the present enquiry. Were it not for the entry in the Revised Settlement there could be no doubt that trees on fields belong to Government, and even with such an entry it may be held that Government retained some part of its proprietary right in so far as the trees could not be cut without permission. I am all the more ready to come to this conclusion, because, unless these trees do belong to Government, there is no summary means of enforcing the conditions of the Administration Paper. If the trees do not belong to Government, no rules under section 75 (*c*) can be issued; and if they are cut and even sold without permission, Government has no remedy except by Civil suit. It is however a point on which two opinions can well be held, and it must not be supposed that the right now claimed for Government is such that it could cut the trees for

export, or for public purposes, or even give them to any one without the consent of the owner of the land; nor should the right be used as a means of preventing the cultivation of the land on which they stand.

Rules for their preservation.

190. The rules now framed (Appendix X) do not impose any new restrictions; and in regard to lopping they are more favourable to the people than the existing custom, for, pending an authoritative decision on the matter, I have told them to lop only the lower branches of deodar not above half the height. The rule now proposed is that deodar trees on fields may be lopped without permission to the height necessary to allow the crops to ripen. This is in accordance with paragraph 66 of the Joint Report, and with an order issued in 1877 by the Forest Officer. Colonel Davies and Mr. Lyall considered that no restriction whatsoever should be imposed, and Dr. Schlich, with the opinion of these officers before him, wrote (*vide* paragraph 21 of Suggestions) that he did not propose to interfere in the matter, but would leave it to the Civil authorities. The second rule is that deodar trees lying on fields may be removed without permission, and the third that standing deodars may not be cut without the permission of the Assistant Commissioner.

Objections to rules proposed.

191. Mr. Ribbentrop, then Conservator of Forests, objected (*vide* paragraph 80) to all these rules, because of the uncertainty in the boundaries of fields. He considered that Rule 1 would destroy all hope of ever obtaining in a future Revenue Settlement any of the outlying forest areas, at present excluded from being cut up by cultivation, and he proposed that deodar on fields should only be lopped to a certain height. I quite agree that the boundaries of fields are uncertain, and *it is simply because of this uncertainty that rules are necessary.* I doubt whether all uncertainty will be removed in the new Settlement, and in my opinion the rules will always be required. The people at present are not sure how far they may lop deodar, and they will welcome permission to lop only up to half, provided they are really allowed to exercise it without the interference of subordinate officials. While objecting to rule 2, Mr. Ribbentrop has made no proposal in its place, and his objection to rule 3 is unintelligible, as his proposal is exactly the same as the rule.

Prevention of cultivation by restrictions on lopping. Eradication of saplings.

192. It is not unlikely that fields now surrounded by forest will be given up at the new Settlement, and that forest boundaries may then be improved but, if the fields will not be given up without pressure and without imposing vexatious restrictions on loppings, the extension of the forest will be most illegitimate, and Government should at once buy up the fields. The people have an absolute right to cultivate the fields for which they pay revenue, and if they refuse to abandon them, Government must not use its right in deodar trees, if it has any, to prevent their reaping the scanty crop such fields produce. Orders were passed by the Forest Officer ten years ago that when the owner of land was about to cultivate it he might eradicate young seedlings and saplings without regard to their height and without permission, and the rules are not intended to apply to them, but to large trees.

Saplings may be removed as heretofore.

Assistant Commissioner will decide whether the land is assessed or not.

193. The association of the Assistant Commissioner and Forest Officer in the management of the forest has removed one of the objections to the former procedure in regard to trees on fields, according to which the Forest Officer decided whether the land on which the trees stood paid revenue or not,—a point on which he was less competent than the Assistant Commissioner to express an opinion. In the rules as drafted, the Assistant Commissioner's permission to cut trees is required, but he may delegate his authority to the Forest Officer, retaining the power of decision only in doubtful cases. In consequence of the enhanced price of deodar trees cut in the forest many applications will be made for trees from fields which are given free, and strict enquiry will be necessary as to whether the trees are on fields or not.

Trees on unterraced "kut."

194. The fourth rule relates to "kut" land in forests, which is allowed to lie fallow for many years at a time, and which soon assumes the appearance of waste. The right of Government to trees on such land is in very much the same position as the right to deodar on fields, and is certainly not stronger. The rule now drafted allows all the inferior trees to be cut without permission, and if the land is real kut or old cultivation that will generally remove all obstacles to its re-cultivation. Trees of the reserved kinds may not be cut without permission.

Rule for drift or waif timber.

195. The rule (Appendix XI) as to drift timber has no direct bearing on the forests, but it is in keeping with the present custom, which should be legalized. There is no object in preventing the removal of such small pieces of timber, which are of much use in the lower parts of the valley, where there is but little forest. The axe should not be used on the river bank under any circumstances; hence the second condition. If it is wished to make the size of the piece that may be removed more definite, the rule current in the North-West Provinces may be adopted, which allows the removal of pieces not exceeding 2 feet

in girth and 4 feet in length. The rule as drafted has been approved by both Dr. Schlich and Mr. Ribbentrop.

Statements. Enumeration of cattle, &c.

196. A statement (Appendix XII) has been prepared showing the grants of trees, the number of houses, cultivation, population and revenue, and another (Appendix XIII) giving the number of cattle, sheep and goats in each kothi. The following abstract of the second statement shows the increase since the first Settlement:—

	First Settlement.		Revised Settlement.		Present Enumeration.	
	Cattle.	Sheep and goats.	Cattle.	Sheep and goats.	Cattle.	Sheep and goats.
Kulu Proper	28,968	57,665	24,151	47,900	33,929	80,830
Inner Sahraj	9,283	14,583	19,337	29,086	15,961	25,351
Outer Sahraj	17,350	28,077			32,747	47,668
Rupi		No enumeration was made.			16,519	42,156
					99,156	196,005

During the 35 years since the first Regular Settlement, the increase in Kulu Proper. Inner Sahraj and Outer Sahraj is just 50 per cent. This rate of increase cannot continue, Moreover, at a Settlement of the land revenue the tendency of the people is to reduce, and at a Forest Settlement to increase, the numbers, so that the increase shown is probably too large.

Maps.

197. The maps of Kulu Proper, Inner Sahraj, Outer Sahraj and Rupi, forwarded with the records, were prepared on the spot with much trouble and care by Mr. Gisborne Smith, Officiating Deputy Conservator of Forests, who was associated with me in the Settlement. I have much pleasure in acknowledging the assistance I have received from him in all matters connected with the Settlement.

List of Appendices and Records.

198. The following is a list of the notifications and other statements submitted with this Report:—

Appendix I.—Draft notification of boundaries of reserved forests—(Punjab Government Notification No. 298, dated 12th May 1894.)

" II.—Draft notification of boundaries of first class protected forests—(Punjab Government Notification No. 280, dated 1st June 1896.)

" III.—Draft notification of boundaries of second class protected forets—(Punjab Government Notification No. 281, dated 1st June 1896.)

" IV.—Draft notification of undemarcated protected forests—(Punjab Government Notification No. 282, dated 1st June 1896.)

" V.—Draft notification of reserved trees—(Punjab Government Notification Nos. 408, dated 26th August 1896, and 505, dated 6th November 1896.)

" VI.—Draft notification of prohibitions in first class protected forests—(Punjab Government Notification No. 284, dated 1st June 1896.)

" VII.—Draft notification of prohibitions in second class protected forests—(Punjab Government Notification No. 285, dated 1st June 1896.)

" VIII.—Draft notification for areas closed in protected forests (amplified)—(Punjab Government Notification No. 283, dated 1st June 1896.)

" IX.—Draft rules and general explanation of rights—(Punjab Government Notification No. 507 dated 7th November 1896. (Draft printed).)

" X.—Draft rules for trees on fields (amplified)—(Punjab Government Notification No. 287 dated 1st June 1896.)

" XI.—Draft rule for drift timber. (amplified)—(Punjab Government Notification No. 286, dated 1st June 1896.)

" XII.—Statement of grants of trees—Printed.

" XIII.—Statement of number of cattle.—Printed.

" XIV.—Correspondence as to rights of Rai of Rupi.—Printed.

" XV.—Correspondence as to grants to new settlers.—Not printed.

The following Records are also submitted :—(Printed as amended by Mr. Anderson.)

(1) Records for reserved forests in Kulu Proper, Inner Sahraj, Outer Sahraj and Rupi.

(2) Records for first class protected forests in Kulu Proper, Inner Sahraj, Outer Sahraj and Rupi.

(3) Records for second class protected forests in Kulu Proper, Inner Sahraj, Outer Sahraj and Rupi.

(4) Record for undemarcated forests of Kulu Proper, Inner Sahraj, Outer Sahraj and Rupi.

(5) General provisions applicable to the Rai of Rupi.

(6) Maps of Kulu Proper, Inner Sahraj, Outer Sahraj and Rupi. (not reproduced)

DHARMSALA :
The 8th June 1896.

ALEX. ANDERSON,
Forest Settlement Officer.

The following papers have not been reprinted (See Forest Proceedings for April 1894) :—

(*i*) Financial Commissioner's endorsement No. 20, dated 10th January 1893 and enclosures (Nos. 104-108).

(*ii*) Financial Commissioner's letter No. 188, dated 17th March 1893 and enclosures (Nos. 109-111).

No. 198, dated Lahore, 16th March 1894.

From—J. M. DOUIE, Esquire, Officiating Revenue Secretary to Government, Punjab,

To—The Senior Secretary to the Financial Commissioner, Punjab.

WITH reference to correspondence regarding the Kulu Forest Settlement Report dealt with in your letters noted in the margin, I am directed to forward, for necessary action, printed copies of the papers entered in the enclosed list. I am to invite special attention to the 14th paragraph of Sir Dennis Fitzpatrick's second note.

No. 150, dated 24th February 1888.	
No. 477, dated 4th July 1890.	F.P. April 50-54
No. 706, dated 27th November 1891.	55-58
No. 37, dated 19th January 1892.	59-64
No. 112, dated 9th February 1892.	65-75
No. 136, dated 17th February 1892.	76-79
No. 159, dated 25th February 1892.	80-84
No. 228, dated 5th March 1892.	85-86
No. 372, dated 1st June 1892.	87-88
No. 679, dated 10th November 1892.	89-93
No. 768, dated 10th December 1892.	94-103

2. After all necessary emendations in the records have been made, the Report should be re-submitted for the final sanction of the Lieutenant-Governor.

3. It is possible that in so complicated a business some points on which orders are required may have been overlooked. If this proves to be the case, Mr. Anderson in re-submitting the Report should draw special attention to these matters.

List of Enclosures to Punjab Government No. 198, *dated* 16*th March* 1894.

Note by His Honor the Lieutenant-Governor, dated 2nd September 1893.

Note by the 1st Financial Commissioner, dated 10th October 1893, with draft Appendices IX and IX A.

Letter dated, 12th October 1893 from Mr. C. M. Rivaz, to the late Mr. Whittall.

Note by the Conservator of Forests, dated 17th October 1893.

Note by His Honor the Lieutenant-Governor, dated 9th January 1894.

Note by His Honour the Lieutenant-Governor dated 2nd September 1893 on Mr. Anderson's Kulu Forest Settlement Report (omitting Waziri Rupi.)

1. This case has been pending here for upwards of five years. Sir James Lyall wrote a brief note on it on the 20th February 1892, just before he made over charge to me, but he had not time to dispose of it. This is much to be regretted, for he had the whole subject at his fingers' ends, having been employed in Kulu for long periods as Settlement Officer and otherwise; whereas I have never been there except for a couple of months on special duty, and know next to nothing about the country. Moreover, it was a somewhat formidable task for me to read up the papers, and now that I have at last found time to go through them, I feel that I am infinitely less competent than Sir James Lyall would have been to deal with the subject. However, I must only do my best.

2. The impression left on my mind from a perusal of Mr. A. Anderson's report of the 8th June 1886 is that, putting aside certain questions of legality and form to which I shall presently have to refer at length, and looking only to matters of substance, Mr. Anderson's work, in so far as the reserved and demarcated protected forests are concerned, is such that all parties ought to be able to accept it with a few exceptions and modifications. The patience, industry, intelligence, knowledge of the details of his subject, and the earnest desire to do justice to all interests concerned displayed by Mr. Anderson seem to me beyond praise, and if the bulk of his work in regard to these forests cannot be accepted, I should almost despair of getting this vast, complicated and difficult question settled in our time.

3. This, however, does not dispose of the matter. The report is a congeries of hundreds, or rather I should say thousands, of details on which it is impossible for any one merely reading the text and glancing through the detailed records as I have done to form any safe judgment, and it may be that the general impression which, as I have just said, it leaves on my mind is erroneous. It is, however, "an ill wind that blows nobody any good," and it so happens that the long period which has elapsed since the report was written, and during which, as I am told, Mr. Anderson's scheme has been in practical operation in anticipation of formal sanction, makes it easier to judge of this point. It has been proposed, and I think wisely, that Mr. Rivaz should go before me to Kulu, inquire into the working of the scheme there in communication with the Forest and District officials, and find out how far it is successful from a Forest Department point of view, and how far it is accepted by the people. If Mr. Rivaz's report is favourable, I think we ought, subject to certain exceptions and alterations, to accept the scheme in substance, in so far as it relates to the reserved and demarcated protected forests, getting over legal difficulties and difficulties of form as best we can, and, if we cannot otherwise get over them, by legislation.

4. As regards the undemarcated protected forests, they stand on a totally different footing. Mr. Anderson has made no real attempt to apply the provisions of Chapter IV of the Act to them, and the case regarding them is still completely in the air. I shall have to say more about this later on; but meantime I return to the reserves and demarcated protected forests.

5. Speaking generally, and subject to anything that may be urged regarding particular points, I think the Forest Department would be ill-advised in opposing Mr. Anderson's scheme for these forests if the zamindars are willing to accept it. Of course it is not the sort of scheme which an ardent Forest Officer could altogether approve; but that sort of scheme is not to be expected under the peculiar conditions that present themselves in Kulu. The Kulu forests differ from other forests in this, that the most valuable trees grow on the gentle slopes where cultivation is carried on, and that, as observed by Dr. Schlich, late Inspector-General of Forests, "broadly speaking deodar and cultivation go together." Now it is only natural that forests situated among or immediately adjoining cultivation should be largely burdened by servitudes, and in Kulu, as may be seen by any one who reads the report and the comments on it, the cultivation of the land and the very existence of the people are so completely dependent on such servitudes that it is impossible by expropriation, commutation or otherwise to clear the forests of them. Mr. Ribbentrop, the present Inspector-General of Forests, seems to have well understood this (see end of paragraph 10 of the report). Under such circumstances, it is impossible to establish such a system of forest conservancy as we would establish in large compact blocks of forests situated at some distance from cultivation such as are met with elsewhere. We must be content with an inferior system, and the question is merely as to the degree of inferiority.

6. On this question it is only to be expected that there would be some difference of opinion between the Forests Officers, who naturally and legitimately try to secure all they can in the interests of forest conservancy, and Civil Officers who are compelled to consider also the rights of the people and the necessity of keeping them comfortable and contented; but Mr. Anderson seems to have done all that lay in his power to reduce this difference of opinion to the smallest

possible dimensions, and he appears to have succeeded, at least so far as Mr. Gisborne Smith, the then Deputy Conservator, and who is said to have more knowledge of Kulu than any other Forest Officer, was concerned. He seems (see *e.g*, sections 44, 51 and 186 of the report) to have acted throughout in consultation with Mr. Gisborne Smith; and he states in paragraph 85 of the report that that officer was of opinion that "the forests could be maintained under the records now prepared."

Other Forest Officers may prove more exacting; but my belief is that, if the whole matter was re-opened and gone into *de novo* on stricter principles than Mr. Anderson followed, the result would be that forest conservancy would get less and not more than Mr. Anderson has given to it. Hence my advice to the Forest Department to accept what Mr. Anderson's settlement would give them if they can get it.

7. I say "if they can get it," because we have yet to ascertain whether the zamíndárs will acquiesce in that settlement. If they do not acquiesce, or if we cannot induce them to acquiesce by allowing some modifications in detail, the whole thing will, I fear, be again in the air, as I don't see—having regard to the legal objections raised by Sir James Lyall, Colonel Wace and others in the interest of the zamíndárs, and by the Forest Officers in the interests of forest conservancy, and to which I shall presently refer—how we could force Mr. Anderson's settlements on anybody concerned. I have heard of some objections being raised by the zamíndárs recently to the present system, which, as I have said, I am told is Mr. Anderson's system; but they may turn out to be objections only to some matters of detail or to something in the way the system is worked. I understand from paragraph 36 of the report, taken with the footnote at page 51, that only three appeals were preferred in reserved forests, and those by the Forest Department, and at the end of paragraph 44 Mr. Anderson says, speaking of the protected forest record, that "copies of the order have been in all cases given to the parties concerned, and objections made have been considered and the order corrected if necessary. The record may, therefore, be presumed to have been accepted by the people." Of course, dealing with ignorant people like the Kulu zamíndárs, this cannot be taken as absolutely conclusive; but still, having regard to it, and to the great solicitude displayed by Mr. Anderson to do justice to the people, there seems to be every reason to hope that we will find the people ready to accept the settlement, subject to some modifications in regard to details.

8. I now proceed to consider the legal objections raised on both sides to Mr. Anderson's scheme to which I have above referred; but, before doing so, I think it necessary to make some observations upon Chapters II and IV of the Forest Act which, as commonly happens, do not seem to have been properly understood by some of those concerned.

9. There are, of course, certain very important differences between the systems established by these two chapters respectively; but Mr. Anderson and some others seem to have fallen into the mistake of supposing that there were certain other differences which really do not exist. They seem to have supposed, on the one hand, that Chapter II tied the Settlement Officer down to recording rights in certain ways to which it does not tie him down, and, on the other hand, that Chapter IV did not tie him down to recording rights in certain ways to which it does tie him down, and they seem to have been led by this to elect to proceed in regard to the great bulk of the forests under Chapter IV rather than under Chapter II.

10. They seem to have thought that when a Forest Settlement Officer is proceeding under Chapter II, he is bound in every case by section 13 of the Act to record, *e. g.*, a fixed number of cattle, a fixed quantity of timber, and so forth (Report, paras. 16, 18, 32). Now the Act is, owing to causes which it is unnecessary to state here, far from being a well drawn one; but it does not enact anything so absurd as that. It requires the rights to be recorded as they are found to exist, and if they are found to be rights not, *e. g.*, to graze a certain number of cattle or to take a certain quantity of timber, but to graze all cattle employed in cultivating certain land, or all timber required for repairing a certain house, they must be recorded as such. In this case there will be no entry of number or quantity; but what will be entered will be, to use the words of the section, "such other particulars as the case may require."

11. On the other hand, there seems to have been an idea that Chapter IV admits of the record of rights required by it being prepared at first in what are called "general terms" and then made gradually more definite. This, too, is a mistake. The only difference between the record of rights prepared under Chapter II and that prepared under Chapter IV is that the former is prepared after a more elaborate inquiry, and is accordingly made by the Act final and exhaustive, while the latter, which may be prepared after a more or less summary inquiry, is only "presumed to be correct until the contrary is proved." The nature of the record is evidently intended to be the same in both cases, though Chapter IV, as is perhaps not unnatural under the circumstances, does not contain any detailed directions on this point. In particular, the record of rights under Chapter IV must be just as definite as that under Chapter II; for if it does not clearly define a right in all particulars, it cannot be said to be a record of the right at all. And as for the idea that the record under Chapter IV may be revised and made more definite by the executive authorities from time to time, there is not the slightest shadow of foundation for it.

12. If it had not been for the misunderstandings of the law to which I refer, Mr. Anderson would probably have dealt with all the demarcated forests under the reserved forest procedure; and I am inclined to think with some of the Forest Officers that it would have been better if he had done so. It would, however, be a matter of immense labour to convert his protected forests into reserved forests now, and so we must, for the present at least, be content to retain them on the footing of protected forests.

13. The next point to be noticed, and one which has not been fully kept in view throughout Mr. Anderson's proceedings, is the broad and clear distinction drawn in both chapters between the ascertainment of existing rights and the regulation of the exercise of them after thay have been ascertained and admitted—the former being the work of the Forest Settlement Officer under Chapter II, or when Chapter IV is resorted to the officer preparing the record referred to in section 28, and the latter the work of the Local Government.

The officer preparing the record of rights, whether under Chapter II or under Chapter IV, must simply record the rights as he finds them existing. He has, except as mentioned below in paragraph 15, no power whatever to limit them or modify them, or attach conditions to them, or impose any rules as to the manner in which they are to be exercised. Further, though his inquiry may be under Chapter IV of a more summary nature, his inquiry in both cases is essentially of a judicial character, and he must decide as best he can on the evidence and information before him. No doubt when, as would very commonly happen, he finds himself unable to come to any satisfactory conclusion, he would be at liberty, just as a Judge in an ordinary Court would, to suggest a compromise to parties disputing, and decide in accordance with that compromise if it was accepted, and the probability is that a very large proportion of the entries in our forest settlement records of rights, as in our older revenue settlement records of rights, have been brought about in this way. But this does not make the procedure the less judicial or affect the position that it is the duty of the officer making the record to enter the rights simply as he decides that they stand, no matter how detrimental their exercise might be to the interests of forest conservancy.

14. I see a question has been raised in the papers regarding the case of a claim to a right which, if fully exercised, would of necessity annihilate the object over which it is exercised. I don't find anything to show that such a case has actually presented itself in the course of the present inquiries; but if such a case should present itself, it would be for the Forest Settlement Officer to decide, just as a Judge sitting to try a civil suit would, whether such a right would be held to be established on the foundation relied on by the claimant. He might perhaps hold as would be held in some cases in England, and as would be held under section 17 (*a*) of the Easements Act when that Act is in force, that such a right could not be acquired by prescription; but if he found such a right established in any way, he would have no option or discretion, but would be bound to record it.

15. Having prepared his record of rights, a Forest Settlement Officer acting under Chapter II possesses under section 14 certain powers which are

not given to the officer preparing the record referred to in Chapter IV of commuting rights or limiting their exercise to certain areas, or transferring it to other areas over which they have not previously been exercised; but at this moment we are not concerned with those powers, and I accordingly pass on to the subject of the regulation by the Local Government of the exercise of the rights which have been recorded.

16. There are several particular powers given by the Act for this purpose; but the general powers are contained, *for reserved forests*, in Section 14 (*c*), which enacts that the Forest Settlement Officer shall record an order "continuing" the rights he finds established "at such seasons within such portions of the proposed forest and under such rules as may from time to time be prescribed by the Local Government;" and *for protected forests* in Section 31 (*l*), which gives the Local Government power to make rules from time to time to "regulate" * * "the exercise of rights referred to in Section 28" that is to say, the rights recorded by the officer preparing the record.

These general powers are, I think, very wide; but they are, of course, subject to the limitation that the "regulation" must not be of such a nature or carried to such a length as to affect the substance of the right recorded. The Local Government may undoubtedly, with a view to the exercise of due supervision, make a rule to the effect that a person having a right to take forest produce shall apply to some authority for a permit to take it, and shall proceed to take it at a reasonable time. Again, I should say, when a man is recorded as having a right to lop trees for fodder or manure, and there is an abundance of trees of different species equally well suited for his purpose, the Local Government might, in the interests of forest conservancy, make a rule that he should lop only certain species. On the other hand, if the record said that a man had a right to lop certain species, the Local Government could not by rule direct that he should not lop these but other species. Again, if a man was recorded as having a right to cut timber for the repairs of his house, and there were several species of timber in the forest equally suitable for the particular work required, the Local Government might by rule direct that he should take one species and not another; but if it appeared that for some particular work one particular species was usually employed and was eminently suitable, it could not debar him from taking that species for that work.

Again, the Government may impose certain conditions on the exercise of rights as, *e.g.*, that right-holders shall adopt certain precautions in felling a tree so as not to cause damage to other trees, but it could not impose others. It could not, *e.g.*, direct that the right-holders should, as a condition of exercising their rights, perform some of the duties of forest guards.

17. Now I am afraid that a great deal of this has been overlooked by Mr. Anderson. This has been noticed by Sir James Lyall, Colonel Wace, some of the Forest Officers, and others; but I fear it has gone even further than they supposed.

To begin with, Mr. Anderson has included in his records of rights, besides the definition of rights, matters of regulation, or what, I suppose, must be taken rather as suggestions for the regulation of the exercise of rights to be adopted by the Local Government, and has mixed the two things together in such a way that I fear it would be a matter of immense labour to disentangle them.

18. I thought at first that the simplest plan would be to leave the reserved forest record as it stands, and to accept the protected forest record under Section 28 of the Act, letting both hold good in so far as they are records of rights, and treating all matters of *regulation* which they contain as mere recommendations or suggestions to the Local Government as to the rules which it ought to make; but there is this difficulty about taking that course, that it is in large numbers of cases impossible to say whether the entry, or something contained in it, is meant for a portion of the definition of a right or for a suggestion to the Local Government that it should make a rule; and if in such cases we let the entry stand, it may be that what we would want to treat as a mere suggestion to us to make a rule which we could alter from time to time, would be treated as part of the definition of the right, and thus our hands would be tied. For

example, times are fixed for the exercise of certain rights; it was probably never intended to make this a part of the right, but merely to suggest it as a rule which, under present circumstances, would be convenient; but it may be argued that it is part of the definition of the right, and if it was held to be so, our hands would be tied for ever. It is the same way in regard to other matters, such as the enumeration of particular sorts of trees to be used for particular purposes, the particular ways in which trees are to be lopped, and so on. Another thing Mr. Anderson has done which may prove awkward is that he has included in his record remarks and suggestions of various sorts, and of which it is sometimes hard to say whether they are meant to record a right or not.

19. What is wanting is to have all that can be considered as part of the record of rights in the proper sense separated off into a formal document of some sort purporting to be prepared under Sections 10, 11, 12, 13 and 14, or Section 28 of the Act as the case may be. This could be done for the protected forests, as the record for them has not yet been declared "sufficient" under Section 28, though it would be a matter of very great labour; but I don't see how it could be done for the reserved forests. I am afraid we shall have to take our chance with them. The Government has not, so far as I can see, any power to revise a decision on a question of right except under the last clause of Section 17 of the Act, and that power applies only when there has been an appeal.

20. I will now—distinguishing, so far as I can, between what Mr. Anderson intends to be records of right and what he intends to be proposals for regulations to be made by the Local Government—proceed to consider how he has dealt with each.

And first as to Mr. Anderson's records of right, it is clear that, as is observed by Sir James Lyall and others, Mr. Anderson has not confined himself to deciding what rights exist and what their nature is, but has usurped a power of moulding rights according to his views—generally it must be admitted very sound views—of what is fair and equitable. He himself practically admits this in paragraph 79, where he observes that "it is scarcely necessary to point out, at least to those who have any knowledge of settlement work, that the mere record of rights hitherto undefined must introduce more or less change;" and then goes on to argue, in answer to the complaints of the Forest Officers, that his definition of rights has "resulted not in an increase, but in a most marked diminution of the power formerly enjoyed by the people."

21. Now we all know that even in framing the records of rights prepared at first regular revenue settlements, where the rights are, comparatively speaking, definite and readily ascertainable, much of the work is done in a rough and ready manner, the investigations into rights not being pushed up to the hilt, and a great deal being settled by give and take, by slurring over points, and squeezing matters to make them fit in, and so long as this is not pushed too far, and the Settlement Officer can carry the people with him, we do not think it necessary to take any exception to his work.

In the case of forest settlements—and especially in the case of forest settlements in a remote tract like Kulu, where things have never been reduced to a fixed system—it is necessary to allow the Settlement Officer even a freer hand in this respect.

It is no exaggeration to say that if the zamíndárs and the Forest Department were to insist, as they might do, on the Forest Settlement Officer in Kulu investigating every claim of right down to the bottom, as it would be investigated in a case keenly fought out in the Civil Court, the present generation would not see the work finished, and when it was finished, it would probably not be so satisfactory as if it had been done in the rough and ready style usually adopted. There is no litigation involving so much of the element of chance as litigation regarding customary rights over extensive tracts of jungle in remote places. The Judge finds nothing tangible to base a decision on, and he is constantly driven to decide by seizing on some pretext for throwing the *onus* at some particular stage on one side or the other, or resorting to some other of the methods which a Court is driven to adopt when it is hopeless to decide on the real merits of the case. Thus in some cases the Forest Department would succeed, in

others, which might seem to ordinary persons exactly similar, the zamíndárs would succeed, and the result would be a great deal of heart-burning and dissatisfaction.

22. For these reasons, I do not think we ought to go out of our way to start objections against a record of forest rights like this, on the ground that the officer preparing it had, in dealing with the rights, usurped powers that he did not possess, unless, indeed, it appeared that he had gone too far in this direction, and had not managed to carry the people with him.

In the present case, I would be prepared to accept most of what Mr. Anderson has done if the people are found to have acquiesced in it; but there are certainly some points in dealing with which he has evidently assumed a very free hand, and upon which we could scarcely accept his record, unless we could be quite sure that it was fully understood and accepted by the people.

It is chiefly for this reason that it is so desirable that Mr. Rivaz should visit Kulu and ascertain how Mr. Anderson's settlement is working and how far it is accepted by the people.

23. I will now proceed to make a few observations on some of the draft notifications appended to the first volume of the report and the records contained in the second volume, premising that I can only take up the leading points, that I have not been able to do more than glance into the detailed records, and that my object is not to deal with all details exhaustively, but merely to indicate the way in which, in my opinion, they should be dealt with.

24. I am afraid some of the boundaries entered in the draft in *Appendix I*, such as "waste land" and "cultivation of Daoji" will be objected to by the Government of India as not sufficiently determinate. An effort should be made to remedy this. The same may be said of the drafts in *Appendices II and III.*

Appendix IX.

25. I agree with Sir James Lyall that paragraph 3 should be omitted. It is true that it is mere surplusage and does no direct harm; but, as Sir James Lyall observes, it is apt to give a false impression as to what we mean to do.

General conditions for reserved forests.

26. I agree with Sir James Lyall that paragraph (1) should be omitted. We have nothing whatever to do here with the assessment to land revenue of the advantages accruing to a zamíndár from the exercise of rights in a forest.

27. Paragraph (4), in so far as it prevents the right-holder from doing any act to protect the subject of the right, *e. g.*, from clearing off jungle springing up on land on which he has a right to graze his cattle seems, assuming it to be an innovation, to be open to question; but it is a small point, which we can waive at any time if we think fit, and so we need not at this moment consider whether the paragraph should be retained.

General conditions applicable to all 1st class protected forests.

28. *Paragraph* 2.—The main provision defining the extent to which the rights may be exercised runs as follows :—

> They may be exercised only for the *boná fide* agricultural and domestic purposes of the right-holders, and only in behalf of their own cattle, sheep and goats, and not for the supply of the wants of tea or other industries, nor for purely pastoral as distinguished from agricultural purposes.

I see Sir James Lyall takes exception to the last of these limitations, and I will consider this point presently ; but, subject to anything that I may have to say on it, I should expect to find that this method of defining the extent to which the forest rights may be exercised was that which best fitted in with the ideas of the people and the pre-existing practice. But I do not understand what is intended by introducing, in addition to it, the provision that the rights "may be exercised only in proportion to the area cultivated and the revenue paid or assigned." Is this meant to be a cumulative limitation, that is to say, is it meant that a zamíndár must not only restrict himself to taking what he requires

for the purposes just mentioned, but further, that he must not take more than will bear the same proportion to what is taken by his neighbour that the area cultivated by him and the revenue assessed on it (which of the two by the way?) bears to the area cultivated by his neighbour and the revenue assessed on it? If this is the meaning the question arises, how much may his neighbour take? or, to put it differently, what is the total quantity that is to be divided between them in the proportion of their respective cultivations or revenues (whichever it is that is intended)? I cannot help suspecting that this limitation has been copied without sufficient consideration from the general conditions of the reserved forests, when it is applied not, as here, to all forest right generally, but only for the purpose of fixing the number of cattle which may be grazed or the number of trees which may be taken by one of a certain body of persons *to whom grazing for a fixed number of cattle or a fixed number of trees is assigned by the record of rights.* Subject to anything further that there may be to be said, it seems to me that this second limitation should be struck out, and that the extent to which each zamíndár may exercise his rights should be left to be determined simply by the other limitation.

29. There is another provision in this second paragraph which is obviously *ultra vires* and must be struck out. I mean the provision that "the Government may, whenever it considers it necessary in the interests of forests or of other right-holders, define by numbers the extent of any of the rights which a right-holder may exercise."

Mr. Anderson explains his reasons for introducing this provision in paragraph 65 of his report (see also paragraphs 16 and 18); but as will be seen from what he says, he altogether misunderstands the Act on this point. The Government has no more power to alter the nature or extent of a right recorded under Chapter IV of the Act than it has to alter the nature or extent of a right recorded under Chapter II, and Mr. Anderson cannot confer on it such a power.

No doubt it is conceivable (though I should say it is not at all probable) that the rights recorded may some time or other turn out to be more than a forest, even if it is devoted exclusively to supplying the right-holders, could bear, and in that event it would, of course, be necessary, in the interests of the right-holders themselves, to cut down the rights temporarily or permanently; but that is a thing that could not be done except under powers given by the Legislature, and I, some years ago, suggested that, when the Forest Act was amended, a power should be taken to do it.

30. There remains to be considered in connection with this paragraph 2, the provision that the rights shall not be exercised "for purely pastoral as distinguished from agricultural purposes." I see Sir James Lyall writes regarding this—"The people have pastoral rights. This is too fine a distinction and should be omitted." His intention is apparently that the words "nor for purely pastoral as distinguished from agricultural purposes" should be simply omitted. But this, I fear, would not settle the matter in the sense as desired by Sir James Lyall. We must make the point clear one way or the other, and, before we can do that, we must know exactly the state of things we have to deal with, and then consider how it should be dealt with. A claim of every owner of land to graze or feed from the loppings of trees as many cattle or sheep and goats as he chose to keep could not, I should think, be admitted. Such a claim would not only be objectionable from the forest point of view, but would also, I should think, be bad in law (see *supra*, paragraph 14). There would have to be some limitation; but what would be the limitation? The limitation of "levancy and conchancy" in England is, I believe, understood to mean that the owner of the land to which the right is annexed can put on the common during the grazing season as many cattle as his land can support at other seasons; but if, as I understand to be generally the case in Kulu, the cattle (including sheep and goats) are in all seasons supported on or from the forests, no such limitation would be applicable there. This matter will have to be fully considered by Mr. Rivaz.

31. *Paragraph* 3.—I see Sir James Lyall states (note on paragraph 66 of the report) that "the people have a customary right to sell" grass "when there is a demand for it." This point should be considered.

32. *Paragraph* 4.—In so far as this refers to the assessment of land revenue, it should be omitted for the reason given, *supra*, paragraph 26. I do not know whether the words at the end "and may charge a price for trees and other forest produce" are merely an inaccurate way of stating that the revenue assessment may be proportionate to the amount of produce taken. If so, they should, of course, go out with the rest. If, on the other hand, they mean that a "price" in the proper sense of the word, may be taken they should *á fortiori* be omitted, for then they would be clearly *ultra vires*.

33. *Paragraph* 5.—I see that Colonel Bailey agrees with Colonel Wace and Colonel Gordon Young that the second portion of this rule beginning "For instance A" may go out, and with reference to what they say it would seem well, in order to make what is intended clearer, to substitute at the end of the first portion for the words "his requirements" the words "the requirements of a native zamíndár holding the land to which the right appertains."

34. *Paragraph* 6.—Sir James Lyall says "kothi" should be substituted for "gram." This point should be considered.

35. *Paragraph* 8.—Sir James Lyall and Colonel Wace contend that the people have a right to deodar, and what is said in paragraph 137 of the report seems to support their view. The conclusion to which Mr. Anderson comes in that paragraph is that "no one is entitled to make his whole house of deodar, but he is entitled to sufficient timber for the house he has to build, and, among other trees, to a few deodars for doors and windows, according to the prevailing style of building."

That seems reasonable and in accordance with what one would expect; and I think, if the people are not satisfied with Mr. Anderson's paragraph 8, something to this effect might be substituted for it; or we might omit paragraph 8 altogether, and make a rule regulating the exercise of the right to take timber, and providing that deodar should be given only for those parts of a house for which other timber would be unsuitable (see *supra*, paragraph 16).

36. *Pararaph* 9.—Colonel Bailey has consented to a small relaxation of this rule proposed by Colonel Wace and Colonel Gordon Young. It may be adopted.

37. *Paragraph* 10.—Sir James Lyall writes that "this is not supported by custom;" and I gather from another note of his that he does so because the permission of the Assistant Commissioner was not at first necessary: but requiring the permission of the Assistant Commissioner is really a matter of regulation to be dealt with by rule, and, provided the conditions imposed (and which, by the way, should be imposed by the rule and not left to the Assistant Commissioner to impose) do not affect the substance of the right (see *supra*, paragraph 16), there can be no objection to what is proposed on legal grounds. Any power touching sport, however, is so apt to be abused by European officers that it would be better perhaps, to deal with the matter in more detail. The right, whatever it is, should be recorded here and the regulation left to the rules.

38. *Paragraph* 11.—Mr. Anderson attempts, in paragraph 70 of his report, to defend this paragraph of the rules; but I agree with Mr. Hill, Colonel Wace, Colonel Gordon Young and Sir James Lyall that it is clearly *ultra vires* (see further *supra*, paragraph 16), and it should be omitted. I quite see that something like the last clause of section 25 of the Forest Act is needed for protected as well as for reserved forests, and it will doubtless be provided whenever the Act comes again on the anvil; but meantime we must manage as best we can under section 78 and penal sections of the Act.

39. *Paragraph* 12 is mere surplusage; but it has been put in to satisfy the Forest Officers, and as it can do no harm we may let it stand.

Rights and conditions for 2nd class protected forests.

40. There is a great deal of regulation mixed up with these rights and conditions—see *supra*, paragraphs 17-19. The "general conditions" of the 1st class protected forests are introduced here too, with some additions, and the

remarks I have made in paragraphs 28 to 38 apply here likewise. I have the following additional remarks to make :—

(a) *Paragraph* 3 (11).—There is no power to introduce the additional conditions introduced here as to maintenance of boundary pillars and as to pay and uniform of rakhas.

(b) *Paragraph* 3 (12).—I understand from paragraph 72 that when there is a proprietary right on a thách it has been recorded in the forest record of rights, and that this paragraph refers only to cases in which there is no *right* of any kind. If so, this paragraph should be omitted.

(c) *Paragraph*. 3 (13).—I agree with Colonel Wace and Colonel Bailey that this paragraph should be omitted as out of place.

Rights and conditions for the undemarcated protected forests.

41. With this should be read the draft notification constituting these forests protected forests under the Act.

I understand that what is meant by the " undemarcated forests, " which it is now proposed to make protected forests, is simply the waste lands which would in the plains of the Punjab be classed as *shámlát deh*, or the common property of the village proprietary body, and which in Kángrá proper are treated in a similar way. In Kulu, for reasons given by Sir James Lyall in paragraphs 99—102 of his settlement report, these lands have been recorded as the property of the Government, but subject to the exercise of rights of the people, which are so extensive that Sir James Lyall speaks of the Government as a trustee for the people ; and, in his note of the 20th February 1892, says it would be a stupid piece of injustice to attempt to argue that the theory of State ownership afforded any justification for making a material difference between Kulu and Kángra. Colonel Bailey, I may add, in his remarks on Mr. Anderson's report, seems similarly to take the view that the rights of the people over these undemarcated forests will leave nothing for the Government ; and says that if his Department is anxious to establish forest conservancy in them, it is merely with a view, first, to preserving them for the people, and secondly, to avert the possibility of the people being thrown on to the demarcated forests, as they would be if these undemarcated forests were exhausted.

It thus appears that though the naked ownership of these forests is vested in the Government, we may take it, for practical purposes, that we have merely to manage them in the interests of the zamíndárs, and this clears the ground of one difficulty, *viz.*, the difficulty that would present itself if there were any conflict between the interests of the Government and the interests of the people.

42. But still the matter is very far from being a simple one. It must be remembered that the protected forest chapter of the Act is a penal law, and that before we apply its provisions to any subject-matter, we are bound to make the conditions under which it will operate reasonably clear. If a man is to be liable to be prosecuted under Chapter IV of the Act for doing a certain thing in a protected forest, and he thinks of doing that thing in a certain place, he ought to be put in a position to determine readily, first, whether that place is part of a protected forest, and secondly, supposing it is a protected forest, whether what he proposes to do is a thing that he can plead, under the last words of section 33 of the Act, that he is entitled to do in the exercise of some right recorded under section 28.

Now would Mr. Anderson's draft notification of areas and record of rights put him in such a position ? They clearly would not.

43. The draft notification defines the area of the protected forests to be " all forests and waste land in the Kulu sub-division of the Kángra District (exclusive of Wazíri Rúpi), which is the property of Government," except certain specified areas. This would make the guilt or innocence of accused persons depend on a question of title to some one of the many thousands of isolated patches of waste land, scattered all over the sub-division, a question which in some cases might be a most difficult one.

I am not sure in what manner the shajrahs and khasrahs for Kulu have been prepared; but if they have been prepared in the minute and careful style in which such documents are now-a-days prepared in land revenue settlements in the plains, we might, perhaps, get over this difficulty by defining the undemarcated protected forest areas by reference to them.

44. But then comes another difficulty. Mr. Anderson's so-called record of rights for these undemarcated forests is really no record of rights at all. It leaves the whole thing in the air. It says, in its opening paragraph: " Rightholders, as defined in paragraph 2, may continue to exercise *such of the following rights as they have hitherto exercised,* subject to, &c., &c.;" and again in paragraph 2: " Proprietors of land and their agricultural tenants, *who have hitherto continuously exercised all or any of the rights detailed in paragraph* 1 *over any part of the undemarcated waste,* may continue to exercise in such part *such rights as they and their predecessors in title have exercised,* provided that, &c., &c." Now what is meant by a man (and his predecessors in title) having " exercised " or " continuously exercised " a " right?"

Does it mean :—

(*a*) simply that he has done certain physical acts that he would be entitled to do if he had such right; or

(*b*) that he has not merely done those acts, but further, has done them as if in the exercise of such a right. *i.e.*, not *vi, clam, or precario*; or

(*c*) that he has done those acts in the exercise of a right actually possessed by him ?

I do not think it can be intended to mean (*a*) or (*b*), because if it had been, some period would certainly have been fixed during which he should have gone on doing the acts in question; but if it is intended to mean this, and the omission of such a period were to be supplied, the issue raised would be in many cases a very difficult one. If, on the other hand, (*c*) is meant, the issue raised is the identical one, which (see *supra*, paragraph 21) puzzles us all so in inquiries of this sort.

The result, however we take the thing, is that if we were to adopt Mr. Anderson's so-called record of rights, we should, instead of telling a man, as the Act requires, " You may do such-and-such things in certain places, and if you go beyond that, you will be punished—" tell him simply, " You must judge for yourself, and at your own peril, what you have a right to do, and where you have a right to do it, and if you go beyond that, you will be punished." It is quite impossible to approve of this.

45. Perhaps the most appropriate way of dealing with these forests, if it would not entail too great labour, would be to make them " village forests " under Chapter III of the Forest Act; but one thing seems clear to me that, no matter what course we take, we must prepare a record of rights for them. I see some persons have spoken of special legislation for them. I don't know what sort of an enactment they had in their minds or whether they had ever thought the matter out in detail; but I myself cannot conceive how by any sort of legislation we could get rid of the necessity for a record of rights. You cannot deal with any state of things, whether by legislation or otherwise, without knowing what that state of things is, and the existence of the rights is the most important feature of the state of things we have to deal with here. Possibly some persons more ingenious than I can pretend to be may find some " royal road " out of this difficulty. All I can say is that I cannot.

Draft rules under Section 75 (*c*) *of the Act.*

46. The subject of these rules is discussed in sections 189-194 of the report. I must say I think there is something to be said in favour of the opinion expressed by Colonel Wace that the trees here in question (that is to say, deodar trees in fields and all trees on unterraced kut) do not really belong to Government; but I see Sir James Lyall does not object to the substance of these rules, and I will not object to them, provided the interest of the Government in them is clearly understood to be a mere naked ownership, the Government holding the ownership merely as a trustee for the owners of the fields,

To make it clear, however, that this is the position, the following clause should be added to the rules:—

5. The trees mentioned in the foregoing rules shall not be cut, lopped or removed by or on behalf of the Government or any person except as provided by those rules.

47. Sir James Lyall has suggested and I think rightly, that there should be added to paragraph 4 "or that it is necessary to cut them to allow the owner to cultivate."

D. F.,—2-9-93.

Note by C. M. RIVAZ, Esquire, Financial Commissioner, Punjab, dated 10th October 1893.

IN compliance with His Honor's instructions, I have visited Kulu to enquire into certain matters connected with Mr. Anderson's Forest Settlement Report, which is still awaiting the orders of Government. On entering Outer Seoráj at Dilash I met the Assistant Commissioner and Forest Officer of Kulu and at Banjas in Inner Seoráj the Deputy Commissioner of Kángra. I received petitions on forest matters and discussed the questions raised in them with the people who had collected at each stage between Dilash and Sultánpur. At Sultánpur I met the Conservator of Forests and Commissioner of Jullundur, and we devoted three days to considering (1) the various points raised in His Honor's note of the 2nd ultimo, and (2) the appendices to Mr. Anderson's Report and his general conditions for the different classes of forests.

2. As noticed in paragraph 3 of the Lieutenant-Governor's note, Mr. Anderson's scheme has been in practical operation for upwards of five years, and I am directed to find out how far it has been successful from a Forest Department point of view, and how far it is accepted by the people. As regards this latter point, which is discussed in paragraph 7 of His Honor's note, it is clear that no formal acquiescence on the part of zamíndárs generally can be expected, as naturally they object to any system whatever of forest conservancy. On the other hand, I think it may be fairly assumed, judging from the petitions presented to me, what the people have said in my conversations with them and what Mr. O'Brien and Mr. Rose tell me, that the Kulu people have, as a matter of fact, accepted Mr. Anderson's scheme generally as an inevitable measure, and that their real objections are confined to minor points connected with its administrative working which, so far as they are reasonable, can easily be put right. I may mention that the land revenue settlement "Wajib-ul-arz," which was formally attested after its provisions were explained to the zamíndárs, frequently refers to Mr. Anderson's records as governing forest rights, and Mr. O'Brien, whose sympathies with the people are well known, has mentioned that, although he has visited Kulu each year since he assumed charge of the district in 1887, he has never recieved an appeal from the Assistant Commissioner's orders on any matter connected with the administration of Mr. Anderson's forest rules. The fact is that the long delay which has occurred in passing orders on Mr. Anderson's report has naturally had a disturbing effect on the people, and their hopes have been raised that it may end in the whole scheme being knocked on the head, but at the same time I am surprised to find how comparatively trivial the objections of the people, when formulated, mostly amount to. All the local officers, both District and Forest, are agreed that it is of paramount importance that Mr. Anderson's scheme should, with such necessary minor modifications as can be effected at once, be authoritatively introduced without further delay. As regards His Honor's remarks about the undemarcated protected forests, I hope to show further on that there are really no practical difficulties in the matter. As regards the remarks in paragraph 12 of His Honor's note, we are all agreed that it is a pity that Mr. Anderson did not deal with more of the Kulu forests under Chapter II, instead of Chapter IV of the Forest Act. However, as mentioned by His Honor, it is too late to remedy this at present, but it should be borne in mind that after the forests have been notified according to the classification proposed by Mr. Anderson, and working plans have been prepared for them, it will probably be desirable in course of time to convert several of the 1st class protected into reserved forests.

Mr. Anderson has a good defence, *viz.*, the expressed desire of the Government of India that forests made reserves should be unencumbered with any rights.

H. C. F.

3. With reference to what is said in paragraphs 13-22 of His Honor's note about the distinction to be preserved between the ascertainment of rights and the regulation of their exercise, we have revised Mr. Anderson's Appendix IX in such a way that we hope the requirements of the case, as noticed by His Honor, have been met as far as possible under the circumstances. At the same time we have extended concessions to the people on several points beyond what Mr. Anderson proposed, for instance, by separating the reserved trees mentioned in his Appendix V into two classes, and allowing liberal privileges of cutting and lopping in respect of those of the 2nd class, also by allowing articles of minor forest produce to be taken more generally without permission than Mr. Anderson's records provide. The result will be that his detailed records will be materially simplified, and the chances of friction between the people and the subordinate forest officials will be considerably diminished. I may mention that the Deputy Commissioner and Assistant Commissioner

were in favour of allowing the people the use of fallen leaves more freely than Mr. Anderson has admitted, but the Conservator and local Forest officer objected to this strongly from the forest point of view, and in deference to their representations we have not altered Mr. Anderson's entries in this matter.

4. Coming now to other points noticed in the Lieutenant-Governor's note.

Paragraph 24.—As to some of the Forest boundaries not being sufficiently determinate Mr. Fenton says that there is some recent Government of India Circular (we have not got it here) which provides for the more accurate determination of Forest boundaries after notification of Forest areas with somewhat indeterminate boundaries. This may meet the present case.

His Honor objected to, *e.g.*, "cultivation of Daoji," but this is merely a bit of bad translation. What was meant was the "cultivated lands of village Daoji," which seems clear enough.
E. O'BRIEN.

Mr. Fisher has pointed out that in several cases Mr. Anderson's boundaries, as specified by him, need rectification, and that he is engaged in the work. To delay notification of the forests till this is completed is much to be deprecated. If any changes in Mr. Anderson's boundaries prove necessary, this might be done by subsequently notifying the areas to be included or excluded as the case may be.

5. *Paragraph* 25.—Although the rule in question is no doubt mere surplusage, we think that, as Mr. Anderson made it, and as it is proposed to eventually convert some of the protected into reserved forests, it might create a false impression on the people if it were now removed.

6. *Paragraph* 26.—Paragraph (1) of the general conditions for reserved forests should no doubt be omitted, but is not some rule necessary regarding the price to be charged in reserved as in protected forests (see further on) for timber for building purposes and for the four special trees, deodar, box, ash and walnut ?

7. *Paragraph* 28.—We agree that Mr. Anderson's limitation, to which His Honor objects, should be struck out. As regards the supply of timber for building purposes, the principle to be observed should be that any land-owner, however small a revenue payer he may be, ought to get enough for his *bonâ fide* requirements. On the other hand, a large revenue payer ought not to get more than he too, according to his circumstances, reasonably requires, and in the case of European settlers, their requirements should be judged by the standard of those of a native land-owner. Care too should be taken in the case of money-lenders who acquire land that their demands are only met *qui* their real *agricultural* requirements.

In order to prevent large land-owners obtaining more timber than they are really entitled to, and as a guide to the Assistant Commissioner in dealing with applications from such people, we think it will be well to fix a graduated scale determining the *maximum* number of trees to be given in any case according to the revenue paid by the applicant. If his Honor approves this suggestion, a scale can easily be proposed by the local officers.

This is desirable for administration in subordination to rights recorded and any rules which Government may make as to these.
H. C. F.

8. *Paragraph* 29.—Mr. Fisher assures us, with reference to his Honor's remarks at the end of this paragraph, that when working plans are prepared several forests will already be found unable to bear the rights recorded in respect of them ; for instance, it even now not unfrequently occurs that applications for timber cannot be met from some particular forest in which the applicants have recorded rights, but have to be met from some other and more remote forest. Some such provision as Mr. Anderson contemplated for the limitation of rights, where necessary, seems therefore expedient, whether, if this can be done, when some of the protected are converted into reserved forests hereafter, or by legislation on the subject.

9. *Paragraph* 30.—It is the case that in Kulu cattle, sheep and goats are practically in all seasons supported on or from the forests. It certainly seems necessary to impose some restrictions for the future in the matter of sheep and goats. The breeding of these animals is a comparatively recent industry in Kulu. Their numbers have largely increased between the period of Mr. Anderson's enumeration and that made by Mr. Diack for the present *tirni* arrangements, and if, as may be expected, this increase continues, the forests will certainly be unable to support the future numbers.

It seems to us that the only practicable way of dealing with the matter is to provide by rule that the number of sheep and goats, to be allowed hereafter to graze at the ordinary grazing rates in any demarcated forest after working plans have been prepared, will be restricted to what it is found that each such forest can support, and that excess numbers will be charged punitive grazing fees at the next revision of the *tirni*.

10. *Paragraph* 31.—The local officers admit the customary right of the people to sell grass.

11. *Paragraph* 32.—While agreeing that the condition in question should be amended by excluding any reference to the Revenue Settlement, we would refer to Sir James Lyall's

orders (paragraph 3) on the Kulu Tahsil Assessment Report which contemplate a charge on trees granted for building purposes as a part of the Forest Settlement. We are all agreed that such a charge will be a highly useful check on excessive applications and to prevent waste. The people already pay the prescribed rate of Rs. 3 for the four special trees, namely, deodar, walunt, box and ash, and although they have not yet paid for any other trees, their agreement on the subject, provided the income is credited to the Kothi Fund, as contemplated by Sir James Lyall, is recorded in the Revenue Settlement Wajib-ul-arz. In revising Mr. Anderson's Appendix IX therefore we have provided for such payments. In the case of deodar we have substituted for the present uniform price of Rs. 3 the sliding scale of prices mentioned in paragraph 138 of Mr. Anderson's report. The Conservator of Forests and present local Forest Officer think that Mr. Gisborne Smith's objections, which are referred to in paragraph 139 of Mr. Anderson's report, have not much force, and a sliding scale of charges is certainly fairer to all concerned than a uniform price for small and large trees alike.

12. *Paragraph* 33.—We agree in the proposed omission and His Honor's proposed substitution for "his requirements," but suggest "*bonâ fide* native agriculturist" in place of "native zamíndár."

13. *Paragraph* 34.—We agree with Sir James Lyall.

14. *Paragraph* 35.—We agree with his Honor that the people in Kulu have no well-established right to make their whole houses of deodar. No doubt in former days many houses were so made, but the custom was by no means general, and for some time past the wood chiefly used for building purposes has been "kail." In fact, under present circumstances the Kulu forests could not provide deodar to so large an extent. We quite agree therefore that the grant of deodar should be limited by rule to requirements for doors and windows. If any person wishes for more deodar than thus fixed, he must pay for it at the market rate as a luxury.

15. *Paragraph* 35 *A*.—We agree.

16. *Paragraph* 36.—We do not think that any suitable conditions in respect of nets and snares can be proposed for embodiment in a rule. We think the matter may safely be left to the discretion of the Assistant Commissioner, and therefore would omit the words "and subject to the conditions he may impose."

17. *Paragraph* 37.—We agree in the proposed omission.

18. *Paragraph* 39.—We agree throughout.

19. *Paragraphs* 40—44.—With reference to the remarks in paragraph 42 of His Honor's note, we would represent that the question of title in the various plots of waste land is not really surrounded by any practical difficulties. At the recent settlement all plots of waste have been recorded either as the property of Government or almost invariably as the private property of individual land-owners. In the latter case, the plots generally adjoin the recorded owner's cultivated fields, and as a rule consist of pieces of land which were once under cultivation. In practice it can but seldom happen that a man does not know quite well what has been recorded as his private property and what as the property of Government. If in any case he happens to be really in doubt, he can have his boundaries defined under section 101, Land Revenue Act. The cases in which waste plots have been recorded as the joint property of a hamlet or village are so rare that they need not be regarded.

Then as to the rights of the people in these undemarcated forests. So far as Government is concerned, all rights of user may be allowed subject only to certain specified prohibitions; that is, the rights need not be defined, only the prohibitions, and these practically amount to reserving certain kinds of trees and preventing waste being broken up for cultivation without permission. As regards the limits within which the rights of user may be exercised, no restrictions need be imposed so far as Government is concerned. If the people themselves consider that in any case there are local restrictions by established custom, for instance, if the people of a particular kothi consider that they possess the exclusive right to the grazing in the Government waste attached to their kothi, and object to the people of some other kothi intruding on their grazing grounds, they must fight it out among themselves.

What Mr. Anderson says therefore about previous exercise of rights may be omitted.

20. *Paragraphs* 45 *and* 46.—We recommend the adoption of the revised set of rules which was submitted with Financial Commissioner's No. 112 of 9th February 1892 to Government, the addition proposed in paragraph 46 of His Honor's note being made to rule 5, and an additional rule being made as proposed in paragraph 45.

Mr. Anderson's Appendices.

21. *Appendix I*.—Colonel Wace proposed to exclude some of Mr. Anderson's reserved forests and treat them as first class protected. We advise, however, that all the forests noted in Appendix I be retained as reserves. They have been practically treated as such during the past 5 years, and the local officers say that there has been no friction with the people.

22. *Appendix V.*—As mentioned in paragraph 3 of this note we have proposed to divide the reserved trees mentioned in this appendix into two classes, 11 in the 1st and 9 in the 2nd, and to allow liberal privileges of cutting and lopping in respect of those in the 2nd class.

23. *Appendix VIII.*—The notification as to closed areas requires to be brought up to date. The Forest Officer is doing this.

24. *Appendix IX.*—This, as already mentioned, has been largely revised. The revised draft has been sent to Lahore to be printed, and will be ready in print by His Honor's arrival in Kulu.

LAHOUL FORESTS.

25. The questions noticed in paragraph 4 of His Honor's note on the Lahoul Forests have been decided by Sir James Lyall in his orders on the Lahoul Assessment Report. The waste lands in the jágír kothis have been declared to be the property of the jágírdárs, and the jágírdárs have been recognised as owners of the trees on such lands except pencil cedar and kail.

CAMP SULTANPUR :
The 10*th October* 1893.

C. M. RIVAZ.

I AM making over this note to Mr. Whittall to add what he may wish to say. He will then send it to Mr. O'Brien to give His Honor on reaching Kulu.

10-10-93.

C. M. R.

NOTE.—*Revised Appendix IX (Draft rules to be issued under Section 31, Indian Forest Act) and revised Appendix IX-A (General rights and explanations of rights in protected forests) submitted with the above have been printed with the finally sanctioned drafts in the general record.*

A demi-official letter dated 12th October 1893 from MR. RIWAZ to MR. WHITTALL, not printed : see No. 118, Forest Proceedings, April 1894

Note by R. H. C. WHITTALL, Esquire, Conservator of Forests, Punjab, dated 17th October 1893.

FOREST OFFICERS have always contended that Mr. Anderson in his Forest Settlement of Kulu exceeded his functions as contemplated by the Forest Act. His Honor appears to be of the same opinion, for he says in paragraph 13 of his note that the officer preparing the record-of-rights......"must simply record the rights *as he finds them existing.*" No one can reasonably pretend that the record prepared by Mr. Anderson was a record of the rights that he found existing.

2. For example, Mr. Anderson has recorded in all protected forests, to all villages, a right to graze all cattle, which implies that all cattle, present and future, may be grazed as of right in these forests; and this was notoriously his intention.

Thus he has found that the present (say) 500 cattle have an existing right as well as the (say) 1,500, to which numbers the cattle of the village may, to take an extreme case, rise in the future.

3. Now, Forest Officers even deny that the present 500 have an existing right, because the cattle of the village have only risen to this figure during the last few years, over a previous average of (say) 300, that is to say, that the cattle-owners have not even prescription in favour of their claim. And Forest Officers further claim that, *a fortiori*, it is contrary to the law to record as an existing right the grazing of 1,500 sheep and goats in the future.

4. I have never understood myself the justice of the reluctance of Punjab Forest Settlement Officers to settle forests in accordance with the strict interpretation of the letter

and spirit of the Forest Act. I suggest that the explanation of this peculiar manner of drawing up a Forest Settlement record is to be found in the belief, utterly erroneous I think, that by the employment of the Forest Act the enjoyment by the people of forest produce was going to be removed from them. By enjoyment, I mean consumption.

There was to be some mysterious power placed in the hands of the Forest Department to deprive people of this enjoyment: grazing would no longer be permitted, nor the picking up of dry fuel, and so on. The Forest Officers would have this power in defiance of the wishes of the Revenue and Civil Officers, and perhaps even in defiance of Government. At all hazards the Forest Department were not to be given this power.

5. Under these circumstances, as the power conferred on the Forest Department under Protected Forests was thought to be less than that under Reserved Forests, procedure under Chapter IV was preferred to that under Chapter II. And thus, to secure to the people enjoyment of the forest produce, every possible enjoyment they had exercised in the past, and might exercise in the future, was dragged into the record as a right, and th Government forest estates thereby burdened with rights, unnecessary, and perhaps illegal, which seriously cripple their future forest management, and lead, indeed, in some cases to their extermination.

6. But it was forgotten or not realized, that, in order to secure this enjoyment of the produce to the people, it was not necessary to go to this length. Often indeed Forest Settlement Officers have harmed the very people they wished to benefit, for they have rendered impossible the maintenance even of the forests from which the people drew their enjoyment, and have, in His Honor's words, "annihilated the substance of the right." They did not realize that Government was the absolute proprietor of the produce and can give it to whomsoever it will. Forest Officers are the servants of Government, and bound to obey its executive orders. If, then, Government desired, on the one hand, to give the people enjoyment of the produce, and at the same time to clear their forest estates of uncertain burdens, the former end could have been just as well attained by executive order as by entry in a record-of-rights, and the latter by strict adherence to the letter of the law. For instance, if a forest produces 1,000 cubic feet of timber annually, and the right-holders are only entitled under the record to 500 cubic feet, Government can order that the remaining 500 cubic feet be given to the people free in addition to the amount they are entitled to, or be given to them at favourable rates, or be sold in the open market.

7. It is evident that anything given as a right, outside the strict letter of the law, can only be a right by grant, and it is extremely doubtful whether we, in our day, have any moral right to make such grants and so tie the hands of future Governments. In support of this view might be adduced the example of the Gujars' rights in the Hoshiarpur Chos.

8. If, then, it be admitted that Government can secure to the people by executive order the enjoyment of all the produce that a forest can put out, I fail to see the advantage of setting a forest under Chapter IV rather than under Chapter II. The latter clearly gives to the proprietor a better title to the land, and under it new rights can never accrue, while the record of a Protected Forest has no finality.

9. The result of the very lavish enjoyment now granted to the people without payment is that very little, if anything, will be left to be treated commercially on behalf of Government by the Forest Department. This aspect of the case is a very serious one for me as Conservator of Forests, charged with the presentation of the Kulu Forest Budget to Government. Working Plans will enjoin the expenditure of money, and I do not know whether Government will be prepared to accept a Kulu balance sheet showing a large annual deficit. An object is sometimes very worthy, but the funds necessary for its attainment are not always forthcoming, as was the case at Pakka Mari. Some people hold the view that the Kulu forests must be self-supporting; otherwise the rest of the Punjab will be paying for the support of the inhabitants of Kulu. And if Government leaves itself no commercial surplus, then the revenue will not suffice for the maintenance of the forests, much less for their improvement and extension.

10. From the joint report on the Kulu Forests of 1876, although it is nowhere expressly mentioned, it is evident that the idea in the minds of all interested in the question was to locate, as far as possible, the burden of the people's enjoyment on one class of forest while freeing the other class for commercial treatment; and, in the case of Kulu, almost the only possible commercial treatment is the export of deodar.

The settlement has, it is true, given us nearly the originally estimated area of reserved or commercial forests, but, as a matter of fact, these forests are, generally speaking, the most remote and inaccessible, and not more than 30 per cent. of them are deodar-producing.

11. To my grateful surprise, the Conference has very largely recognized the justice of the above principles. And, on the whole, I think the best solution of the difficulty has been arrived at. It would be absurd and ungrateful to condemn Mr. Anderson's work, for so much of it is so good and sound, in spite of its manifest imperfections. I therefore fully supported the opinion of the Conference.

12. In Kulu the chief enemies of forest management are (1) grazing, and (2) removal of vegetable soil; while lavish grants of free timber render it difficult to make both ends meet financially. I regret that the Conference did not see its way to further minimise the removal of vegetable soil.

But as regards grazing and timber giving, it was accepted in principle that in no case ought the possibility of any forest to be exceeded. It has been agreed that if the indefiniteness of the wording of Mr. Anderson's record makes it possible for an aggregate claim of 1,500 cubic feet of timber to be imposed upon a forest the output of which is only 1,000 cubic feet, then that forest ought not to be called on to contribute more than its 1,000 cubic feet, the remaining 500 cubic feet coming from elsewhere. And so with the grazing.

13. It was necessary to evolve a *modus vivendi* between the above principles and the actual facts of the settlement (which, however, has not yet been accepted by Government). The Conference therefore recommends briefly (1) that all Anderson's proposed protected forests of all classes be at once gazetted under Chapter IV; (2) that then shall follow a gradual transferring of them to Chapter II, and that opportunity shall be taken of the occasion to limit the rights to the possibility of the forests. The Conference also decided that in consideration of the greater restrictions that were to be placed on the enjoyment by the people of exportable forest produce in the protected forests, a freer use of the unexportable produce should be granted to zamindars; and this proposal I was glad to agree to.

Further note by His Honour the Lieutenant-Governor, dated 9th January 1894, on the Kulu Forests Settlement (omitting Waziri Rupi).

Proceedings subsequent to my note of 2nd September 1893.

After I wrote my note of the 2nd September 1893 on the Kulu Forest Settlement, Mr. Rivaz went into Kulu, and, having discussed the subject there with the Forest and District Officers, wrote the report of 10th October 1893, which I shall refer to as "the report of the Conference." When I went into Kulu later I found that report and Mr. Whittall's note of 17th October 1893 awaiting me. I made a tour through Kulu from the Luri bridge on the Sutlej over the Jalaori Pass down by Plach to Largi and on to Bajaura and Sultanpur, then up the Upper Valley to the sources of the Beas and back to Bajaura. The late Mr. O'Brien, Deputy Commissioner, who was thoroughly acquainted with the country, Mr. Rose, Assistant Commissioner, and Mr. Fisher, Assistant Conservator of Forests, were with me almost the whole time, and I met Mr. Whittall, Conservator of Forests, who was seriously ill at the time, at Sultanpur and Bajaura. I saw a good deal of the zamindars, received many representations from them both in writing and orally, and had constant discussions with them. In this way I learned much of the position of matters; but the subject is so vast and complicated and embraces such a mass and variety of details that I still feel considerable diffidence in dealing with it.

Difficulties of forest conservancy in Kulu. Demand for manure.

2. One thing I saw before I had gone very far, and that was that the difficulties of forest conservancy in Kulu, to which I had referred in paragraph 5 of my former note, are even greater than I had supposed. The people there are immensely dependent on the forests. To say nothing of the requirements of firewood and grazing and the necessity of lopping the trees for fodder, the people are dependent on the forests in the first place for manure for their fields. From inquiries made by Mr. O'Brien, it appeared that where snow falls, one-third of each holding is manured every year, and where snow does not fall, one-half of each holding, and the manure consists either of the loppings of trees or of suhr or jharka (fallen pine needles or leaves) which is placed under the cattle for bedding and then put on the fields. Mr. O'Brien calculated that 75 kilta loads of suhr would go to an acre of land. This is a matter in which the demands made by the zamindars on the forests are not likely to be in excess of their real necessities. People like them are not likely to go up a hill-side and cut or collect and carry down on their backs more stuff of this sort than they really want; and if we were to cut down their supplies of manure we should cut down their means of subsistence.

Demand for timber.

3. Then there is the demand for timber. There is a very large amount of timber used in the construction of the houses and out-offices in most parts of Kulu. The buildings must be strong to withstand the snow, and lime is almost

unknown. Hence the necessity for timber binders in the walls. Mr. Fisher says that the people put in a great many more of these binders than are necessary and than we put in some of our buildings in Kulu, and more than they themselves used to put in their buildings long ago. On this last point, so far as I can learn, Mr. Fisher has been misinformed. It is true that in some of the old buildings the binders are very far apart, but that is, so far as I have seen, because the stone used consists of nicely squared blocks which we can hardly expect the ordinary zamindar to use. Mr. Anderson, who knows Kulu in more minute detail than any man living, tells me that he does not believe there has been any change in recent years in regard to this matter, and here again, as in the case of the subr and loppings, I may add that it is in the last degree unlikely that these people would go to the trouble of cutting and squaring wood and carrying it to their houses if it was not really necessary for their purpose. I may further observe that at places like Bajaura, where there is little snow, the houses are differently constructed, and comparatively little wood is used in them.

The saw not used.

4. Where the extravagance of the people in regard to timber really comes in is that working only with the axe and not with the saw they can't well manage large trees and always try to get small ones; and, moreover, out of a tree, whether large or small, they get much less wood than ought to be got out of it. Mr. Fisher told me that in estimating their requirements when giving them timber he had to allow a very large percentage—I think it was 40 per cent.—on account of the people not being able to use the saw. We must try and teach them to use the saw, but from what some of them said to me on this point I fear it will be rather uphill work.

Forests awkwardly distributed.

5. The chief point, however, to note in connection with the difficulties of forest conservancy in Kulu is the way the forest is distributed. In my previous note I quoted Dr. Schlich's observation that in Kulu "deodar and cultivation go together"; but it is not merely a question of deodar—kail, too, grows low down, and, speaking generally, the best forest, that which it is proposed to make first class protected forests and conserve more strictly, lies lower down and nearer to the cultivation and the habitations of the people, while the inferior forest (consisting of rai and tos and other trees below them in the scale of excellence) lies above. The people, as might be anticipated, have always been accustomed to resort for grazing and the supply of forest produce chiefly to the forests, that are nearest to them, that is to say, usually to these lower and better forests, with the result that these forests have become heavily burthened with rights.

What would be wanted in the interests of forest conservancy would be to arrange for the exercise of these rights in the higher instead of the lower forests, and anything of this sort is strongly opposed by the people. Mr. Fisher tells me the people are lazy and obstructive in the extreme, and he mentioned to me one instance in the Outer Seoraj where it was impossible without utterly destroying a forest over which they had rights to give them timber in it, and yet they refused to take anything from another forest he assigned to them only a quarter of a mile away. Now, the people—the men at least—are no doubt very lazy. You will see a man holding the baby and looking on while his women folk are at work in his field, and I have been told, though I have not myself seen it, that sometimes the men merely sit on the edge of the field playing some sort of pipe to encourage their women at their work. It is true also that the people are in a certain sense obstructive. They have got an idea into their heads that there is a settled design to reduce their rights by gradual encroachment, and so they resist any change, however small; but, granting all this, it must be admitted that to insist on the people resorting for the exercise of their rights to the higher forests would often entail most severe hardships on them. The further distance they might have to go would seem little on a map, and if the country was flat and carts or pack animals could be used, it would be unimportant. But when you come to look at these precipitous hills and remember that everything has to be carried on the backs of the zamindars and their women, the difference it would make, whether, *e.g.*, a man had to bring 50 loads of subr or loppings or 8 or 10

beams of wood from a forest near his house, or from a forest high up a precipitous hill to which perhaps he could only make one trip in the day, becomes apparent. Besides, it must be remembered that in many parts of Kulu the higher forests are buried in snow for long periods together, and this makes it very difficult to confine the people to them, especially in the matter of grazing.

Difficulty of supervision in such a country.

6. There is another serious difficulty about forest administration in Kulu arising from the physical aspects of the country taken with the state of our finances. The country is a difficult one to get about in even at the best seasons of the year, and parts of it are almost entirely shut off by snow for long periods. There can be but little check on a subordinate local official there. I found that some of the old people I met there remembered my being sent out there 30 years ago to inquire into the conduct of a Naib-Tahsildar, who systematically looted the whole countryside for a long time before he was found out. In such a place we should need a large staff of highly paid and reliable men to work a system of strict forest conservancy without subjecting the people to extortion and oppression of all sorts; but unfortunately we can't pay for such a staff, and the people must be a great deal at the mercy of the forest guard of the kothi, a man on a salary varying from Rs. 7 to Rs. 10 a month. I hope we may be able to manage to effect some improvement in this respect, and I look to Mr. Anderson, whom I have just appointed to succeed Mr. O'Brien as Deputy Commissioner, to exercise a close supervision over the working of his system, but it will be impossible to alter radically the existing state of things in this respect, and this is a point which must always be borne in mind when we are considering the degree of strictness which we can safely enforce.

The danger of the people being oppressed by the understrappers of the Forest Department will be the more manifest when it is borne in mind that we are making the whole country "forest" with the exception of the homesteads and cultivation. The moment a man steps out of the enclosure of his house, or off his field he will be in a Government forest and subject to the forest law. He cannot take his plough bullocks to his field or to water without taking them through "forest."

How far we are justified in pushing forest conservancy in Kulu.

7. Further, in considering this point as to the degree of strictness which we should introduce, we must make up our minds to some extent as to the objects which we are to aim at securing. We must of course, even if it were to harass the people a good deal, insist on such conservancy as will prevent the forests being destroyed and keep them up to the standard that is necessary to meet the requirements of the people themselves. This goes without saying, and if our present powers are not sufficient to enable us to do it, we should clearly be justified in taking by legislation any further powers that might be necessary in order to enable us to do it.

The only question is how much further we ought to go; and in particular what prospect is there of making the Kulu forests not merely a permanent source for the supply of forest produce to the people of Kulu, but also a valuable Government estate, from which timber could be exported on a large scale to the plains, and from which a large revenue might thus be derived; and, supposing that there is a prospect of doing this, how far should we be justified in pushing forest conservancy in Kulu in order to do it.

I asked Mr. Fisher whether he could refer me to any papers showing what could be made of the Kulu forests as a Government estate of this sort, but he was unable to do so. All he could say was that, though there is no likelihood of these forests yielding any considerable revenue for some time to come, he thought that under a proper system of conservancy they would do so in 50 years' time.

Now, taking this as meaning merely that with proper conservancy we would have a large amount of timber available for exportation from these forests in 50 years' time, I have no doubt that Mr. Fisher's opinion is as good a one as we could have on such a point; but then there remains the question whether supposing we should have a large amount of timber available for exportation,

there would be a demand for it in the plains of the Punjab at a price which would pay the cost of producing it and sending it down to the plains.

Here of course we are in the region of speculation, but I must say it seems to me extremely doubtful whether there would be any very large demand at such a price.

In our public works we have already, so far as large scantlings are concerned, almost abandoned the use of timber. Our bridges are constructed with iron girders, and iron beams are used in our roofs and floors. Moreover, wooden sleepers are being replaced by iron ones, and the tendency undoubtedly will be for iron, and perhaps in time other metals, to replace timber more and more. It will probably not be long before the natives, or at least such of them as employ larger timber in their buildings, begin to follow our example and substitute iron for it just as they have already begun even in remote places to roof their houses with corrugated iron. On the whole it seems by no means improbable that the demand for timber in the plains of the Province will, 50 years hence, be much smaller than it is at this moment, and that it will not pay to export timber in any large quantity to the plains from most parts of Kulu.

In short, the prospect of turning the Kulu forests into a valuable Government estate yielding a large revenue seems on the whole so very problematical that I don't think that for the sake of improving it we should be justified in harassing the people with any very strict system of conservancy.

We must of course, as I have already said, preserve the forests, and we should also aim at improving them so far as we can do so consistently with the rights of the people and with their reasonable comfort. I see some ground to hope that more may be done even under these limitations than some people suppose. Mr. Anderson tells me that the mere prevention of indiscriminate burning has already led to a considerable natural reproduction at least of kail. But be the improvement great or be it small, I do not think we can go beyond what I have just indicated.

Complaints made by the people.

8. I will next say a word as to the complaints the people have made against the working of Mr. Anderson's system which has been practically given effect to for some years past in anticipation of sanction. I found a general murmur against the whole thing, as it was only to be expected there would be against any system of forest conservancy in such a tract. As regards particular complaints, some proceeded from individual men or individual villages that considered that their rights had not been fully or correctly recorded, and these of course should be referred for inquiry to the Deputy Commissioner. Some proceeded on a misunderstanding of the record and rules. Some were manifestly frivolous or unreasonable. Some were what Mr. O'Brien termed, using the word in a slightly different sense from that in which it is generally used, mere "peshbandi." Het Ram, one of the principal petitioners, who joined me on the road just as I was getting into Largi and remained with us two days, admitted this; that is to say, he admitted that some things that he complained of as having been done by the forest officials had as a matter of fact not yet been done, but he said he complained of them as having been done because he felt certain they would be done. Other people said that they were sure they would never even get what was set down to them in the record. Mr. Anderson tells me that has been their idea all along, that several times when he explained to them what was allowed to them by his record, they said "We are satisfied if we get that, but we shall not get it." This seems to be simply the result of the suspicion to which I have already referred that we want to encroach on their rights by degrees, and of the apprehension they have that the forest subordinates will take advantage of their position. But apart from all complaints of these classes, I found a certain number calling for consideration. Some of these are met by the proposals of the Conference, or will be met by what I am about to propose further on in this note; but it was impossible for me, with my regular daily work to do, to go into them all as they ought to be gone into, and so the whole mass of them should be sent to Mr. Anderson for full consideration. It only remains in this connection to draw attention to the fact that Mr. Anderson's record will, under section 28 of the Forest Act, not be conclusive. It will be

open to the people to contest in the Civil Courts any entry contained in it; but it is obviously desirable to avoid driving them to litigation, and so all objections taken to the record should be carefully considered.

Mr. Whittall's note of 17th October 1892.

9. I will next proceed to notice the report of the Conference, but before doing so I must say a word about Mr. Whittall's note of the 17th of October, which was written in connection with it. In that note Mr. Whittall complains that Mr. Anderson has gone beyond his powers as a Forest Settlement Officer, and that the result of this is that more extensive rights have been recorded as belonging to the people than they are really entitled to. Now, it is true that Mr. Anderson assumed a very free hand in preparing his record, but I believe the result of his doing so has been the reverse of what Mr. Whittal supposes. In paragraph 6 of my note of the 2nd September 1893 I said that I believed that "if the whole matter was re-opened and gone into on stricter principles than Mr. Anderson followed, the result would be that forest conservancy would get less and not more than Mr. Anderson has given to it," and, now that I have been over the ground, I see much to confirm me in that belief.

The truth is that what we are endeavouring to do in the interests of forest conservancy in Kulu is in a great measure an innovation, and the more we proceed on strict legal principles the less chance we shall have of carrying our point. The rights of the people over the forests are measured by past usage, and the practice for more generations than we can count has been to treat the forests as almost entirely subservient to the agricultural and domestic needs of the people. You will, *e. g.*, find a patch of forest near the houses and the cultivation. The people have been for ages ruthlessly lopping the trees for manure and fodder and removing the "suhr" for manure. The result is, as the Forest Department tell us, that the trees are not developed as they ought to be from the point of view of forest conservancy. We say this is wrong; it is inconsistent with the very idea of a forest, which should be a place for growing full-sized timber, and we must accordingly place restrictions on lopping, &c., &c.

The answer of the zamindars to this, if we were to apply strict principles, might be:

"There are forests and forests. Some forests are intended to supply full-sized timber, and others to supply smaller timber and other things. This forest has been consecrated by the usage of ages as a forest of the latter class for our use, and as for its not producing much full-sized timber, full-sized timber is the last thing we want; small timber suits us infinitely better, as it is easier to handle."

Arguments of this sort might not be easy to answer, and my advice to the Forest Department is not to press for an investigation on stricter principles. Of course, if Government was, as Mr. Whittall seems to suppose it is, "the absolute proprietor of the produce (of the forests) and could give it to whomsoever it will," the case would be widely different; but that I need hardly say is not the case.

I have thought it necessary to notice these remarks of Mr. Whittall because they might, if left unnoticed, create a wrong impression of the position; but I observe Mr. Whittall himself considers that, notwithstanding what he has said, the Conference, which adopts Mr. Anderson's record subject to very limited exceptions, have arrived at "the best solution of the difficulty."

Re-draft of rules by the Conference.

10. To proceed now to the recommendations made in the report of the Conference and to begin with the new draft rules under section 31 of the Forest Act prepared by the Conference and referred to in paragraph 3 of their report, I understand that these rules, wherever they deviate from Mr. Anderson's, are more favourable to the zamindars, and assuming this to be so, and seeing that they are accepted by the Conservator, I accept them all, except rule 4 and rule 6, subject to what I have to say on certain points further on.

Paragraphs 4 and 6 of the re-draft.

11. Rule 6 should be omitted because, as I shall explain presently, the matter it provides for should be dealt with under the Revenue Settlement, and rule 4 seems to me a dangerous rule to make for forests of this kind, as the

effect of it would be to prohibit under a penalty an indefinite number of things, some of which are nôt present to our minds at the time we make the rule, and some of which people may by custom have a right to do though their right to do it may have escaped record. It would, *e. g.*, so far as I can see, make it an offence to shoot in the forests.

The best plan is to prohibit separately, as is done in several of these rules, the particular things for the doing of which otherwise than in exercise of a recorded right we think it necessary to provide a criminal penalty, *e. g.*, to start by saying "no tree may be cut, lopped, barked or removed except in the exercise of a right recorded in the record-of-rights."

If we overlook anything which it is desirable to prohibit in this way we can always make an additional rule to prohibit it.

Appendix to Mr. Anderson's rules.

12. In connection with these rules I may observe that we have nothing to do here with the "general explanation of the rights," which begins under Mr. Anderson's draft rules at the foot of page 95 of Volume I. Something of that sort may be very handy for reference and can be prepared when the record-of-rights and the rules have been finally settled, but it would have no authority or force whatever and should be kept quite sepatate from our record-of-rights and rules.

Appendix to the re-draft.

13. The same remarks apply to the "Appendix IX A." annexed to the draft prepared by the Conference. The provisions contained in that, in so far as they may be adopted, should be put into their proper places in the record-of-rights if they are not to be found in it already.

On these provisions I will make the following observations :—

Paragraph 1.—Omit "and waste lands." We have nothing to do with any waste lands which are not included in the forests.

Paragraph 4.—There would be a doubt as to what "all rights of user" means. See the way this matter is dealt with in paragraphs 6 and 10 of the re-draft appended to my Kangra Forest note.

Paragraph 5.—Should be relegated to the rules, as it does not deal with a *right*, but merely with a privilege or concession.

Paragraph 7.—Should apparently be confined to *demarcated* protected forest, as paragraph 4 has already disposed of the rights here referred to for undemarcated forests ; but I doubt whether this matter can be conveniently provided for in the general part of the record. The rule, as it stands, leaves undetermined the question who are "right-holders" in regard to any particular forest in which the minor produce in question may be found. Perhaps the simplest plan would be to define "minor produce" as meaning the six things here mentioned and then in the detailed record of each forest enter "minor produce" to the class of persons who are to be allowed to take it.

Paragraph 8.—I suppose "specially admitted" means "admitted in the detailed records." If so, better use the latter form of expression.

Paragraph 9.—The last sentence should be omitted as the matter is one connected with the land revenue assessment. See *infra* paragraph 18. A paragraph, however, might be inserted in the rules requiring any revenue on timber levied under the land revenue assessment to be paid before a permit is granted.

Paragraph 11.—Should be omitted as the right is already provided for by paragraph 4.

Re-casting of Mr. Anderson's record.

14. With reference to what is said in the beginning of paragraph 3 of the report of the Conference as to the re-draft of the rules removing the difficulties referred to in paragraphs 13—22 (*sic*, query paragraphs 13—19) of my note

of 2nd September 1893, I would observe that the irregularities to which I there referred pervade many or most of the detailed records in the second volume of Mr. Anderson's report and could only be got rid of by going all through those records and revising them, cutting out whatever does not properly belong to them. I said when in Kulu that to do this would be a very heavy piece of work for any of the ordinary District staff or for any one at head-quarters, but now that Mr. Anderson is going to Kangra as Deputy Commissioner I think it can be managed and Mr. Anderson, with whom I have discussed the matter, has undertaken to do it.

I now pass on to deal with certain points in the report of the Conference which seem to me to call for special notice.

Suhr or jharku.

15. As I have already said, it is of the first importance that the people should have manure for their land, and I have had many complaints about Mr. Anderson's restriction of the right to collect suhr to two weeks in the year. It is stated in paragraph 3 of the report of the Conference that the Deputy Commissioner and Assistant Commissioner urged that this restriction should be relaxed, but that in deference to the views of the Forest Officers the Conference propose to leave it as it stands.

To this I cannot agree. Mr. Anderson states (report, paragraph 154) that suhr is collected all the year round except during the rains and when snow is on the ground, and the restriction proposed is obviously not a portion of his definition of the right to collect it. If it were to be introduced at all it would have to be introduced under the guise of a rule made by the Local Government to regulate the exercise of the right, and it seems to me that it would be altogether unjustifiable for us to make such a rule. The fact seems to be that such a rule is desired by the Forest Officers simply for the reason for which it is so strongly objected to by the people, *viz.*, that it would hamper the right-holders so much that they could not exercise their right to the full extent, and I need not say that, as pointed out in paragraph 16 of my former note, we cannot make a rule which would practically cut down the substance of a right.

I do not of course question the view of the Forest Officers, that it is desirable to have as much of the suhr as possible left on the ground. They say it promotes the growth of young seedlings, and Mr. Fisher tells me that a report he has recently read of some observations made in Europe goes to show that it accelerates the growth even of large trees by 50 per cent. But as regards the former point we have provided for promoting the growth of seedlings by arranging for the closure in rotation of portions of the forest for periods long enough to let the seedlings attain a size when they can hold their own. It is said that there will be a difficulty about enforcing the closure in practice, and I dare say that is true to a certain extent. There is a difficulty about every point in the forest scheme from beginning to end, but it would be far easier to enforce the closure against collectors of suhr than it would be to enforce it against trespasses by grazing and browsing animals which are far more mischievous. And as regards the old trees I do not know how far the observations referred to by Mr. Fisher can be taken to have established any definite result which could be reckoned on out here, though I can quite understand that a thick deposit of suhr would to some extent promote the growth even of old trees; but, assuming that to be so, all I can say is that we must be content to have our trees in these forests grow more slowly. We can't deprive the people of the means of cultivating their land for the sake of having the trees somewhat bigger than they would otherwise have been 50 years hence. I may add that the people are not likely to take more suhr than is really necessary for the purpose of cultivation. They are, as already observed, lazy people, and it is a considerable exertion to carry a kilta load of suhr on your back even from one of the nearer forests on these hills to the cultivated fields. I would therefore remove all limit of time for the collection of suhr. I strongly suspect that in most cases the only real difference this will make will be that the people will be relieved of the necessity of bribing the forest guard, for it is hard to believe that at present when they really want to take suhr at the forbidden times a man on Rs. 7 per mensem and almost perfectly safe against detection would not let them do so in consideration of a small bribe,

16. In their 4th paragraph the Conference refer to Mr. Fisher being engaged on the rectification of forest boundaries and say that they think it is unnecessary to postpone the notification of the forests on this account. If, as I understand to be the case, they speak only of protected forests, I agree with them. If Mr. Fisher's inquiries showed that the boundary had by mistake been so fixed as to omit from a protected forest a patch of land which stood so far as the rights were concerned in the same predicament as the rest of the forest, I am inclined to think that we might issue a fresh notification under section 28 of the Act making the forest as originally notified plus this patch a protected forest, and if it was held that we could not do that we could make the patch in question a separate protected forest under section 28 of the Act which would practically answer our purpose well enough. If, on the other hand, Mr. Fisher's inquiries showed that the boundary had been so fixed as to include some land in a protected forest which ought not to have been included in it, all we would have to do would be to cease to treat that land as part of the forest. As regards reserved forests, we can of course always exclude any area we please from a reserved forest under section 26 of the Act, and I don't see how we could make any patch that Mr. Fisher might find to have been left out reserved forest without going through the whole procedure beginning with section 4 of the Act. So far as I can see, therefore, there would be nothing gained by deferring the issue of the notifications which are now ready.

Boundaries of forests.

17. In paragraph 2 of their report the Conference say that it will probably be desirable in course of time to convert several of the first class protected forests into reserves. On that I need say nothing at this moment, but, notwithstanding what I said in paragraph 25 of my former note, I accept the opinion of the Conference (paragraph 5 of their report) that paragraph 3 of Appendix IX should be allowed to stand. I still think it was a mistake ever to have inserted such a paragraph which was mere surplusage, but I find now that it has attracted the attention of the people and frightened them. They have got the same idea of a reserve that some of our officers have had, *viz.*, that it is a forest where few rights can be recognized. They say "if the forests are made reserves we shall all always be criminals," and they accordingly object to the paragraph. This is unfortunate; but if to satisfy them we were to strike it out after having put it in, it would be understood as a sort of pledge that we would not make any of these forests reserves, and then, if we ever made any of them reserves, they would accuse us of a breach of faith. I think we must let the paragraph stand, directing the Civil Officers to explain to the people as best they can that rights can be maintained over a reserve as well as over a protected forest, and that even if the paragraph was omitted it would still be open to us to make these forests reserves if a necessity for doing so were to arise.

Conversion of protected forests into reserves.

18. As regards payment for timber, I accept the view of the Conference (paragraphs 6 and 11 of their report), which, as I understand from a note made by Sir James Lyall on the margin of paragraph 167 of Mr. Anderson's report, and from what he has written elsewhere, was also his view that in order to check waste we should make the zamindars pay a small sum for each tree given them and credit the amount to the Kothi Fund. This, the Conference state, is provided for in the wajib-ul-arzes; but there is no warrant in the Forest Act for demanding such a payment, and the matter will be best arranged as provided in the wajib-ul-arz and as originally proposed by the Financial Commissioner in his No. 477, dated 4th July 1890, by levying the amount in the shape of land revenue. I am somewhat doubtful about the sliding scale for deodar for the reason mentioned in the Financial Commissioner's letter No. 112, dated 9th February 1892, *viz.*, that we have to insist on the people taking one large tree instead of several small ones, and that this will be more distasteful to them if we make them pay higher for the large trees. I do not, however, propose to dissent from the view of the Conference on this point.

Payment for timber by right-holders.

19. I agree also that to encourage the use of the saw we should remit the charge for the trees in all cases in which the saw is used, and I think we should offer to provide saws free of charge for any kothi that will use them.

Encouraging use of the saw.

20. With reference to paragraph 7 of the report of the Conference, in which it is proposed that a graduated scale based on the amount of revenue paid should be prepared to fix the maximum amount of timber claimable by a right-holder, I understand that it is proposed to prepare such a scale merely "as a guide to the Assistant Commissioner," and I have no objection to its being prepared as a rough guide to the Assistant Commissioner or Forest Officer in dealing with applications for timber for new buildings, that is to say as an aid to an officer new to the work in deciding what sort and size of buildings a man paying a given amount of revenue might be considered to be reasonably entitled to erect with timber from the forest; but such a scale could not be made in any sense conclusive, and it should be kept out of the record and rules altogether. For repairs to existing buildings of the nature ordinarily possessed by a zamindar a right-holder should be allowed whatever timber might be necessary.

Proposal to prepare a graduated scale of the amount of timber to be granted.

21. I have considered further, with reference to what the Conference say in their 8th paragraph and to what Mr. Fisher has told me, the possible case referred to at the end of paragraph 9 of my former note of a forest not being able to answer the claims recognized by Mr. Anderson as existing against it except at the risk of annihilation. As I said in that note, I did not think the case was one likely to arise, but it now appears that it has arisen or is likely to arise in regard to some rights to timber over forests, at least over forests in Outer Seoraj, which is comparatively bare of trees.

Case of forest unable to meet recorded right.

On reflection I think dealing with a record like Mr. Anderson's prepared only with a view to a notification under the protected forests chapter of the Act, and having regard to the way in which Mr. Anderson proposes to meet this difficulty by assuming a power, which we do not possess, to definitely fix the extent of the rights by number and quantity at a future time, we are justified in holding that Mr. Anderson recognized the rights he recorded subject to the limitation which indeed may be regarded as an essential limitation of all such customary rights, *viz.*, that their exercise should not be pushed so far as to annihilate the subject over which they are exercised. I may add that in Kulu it is easier in practice than it might be elsewhere to act on this view of Mr. Anderson's meaning inasmuch as, if we have to restrict the exercise of the rights in the forest over which they exist, there would be always, or almost always, another forest from which we could allow the people to supply their wants. But as already observed (*supra* paragraph 5), the forest to which the people have been hitherto resorting for the supply of their wants and over which they have thus acquired rights is always that nearest to them, and it would be a very serious disadvantage to them to be compelled to go in a country like this to another forest, though it might seem on the map to be only a short distance off. Strong complaints have been made to me by some of the people of forest subordinates reporting that there was not enough of timber in a forest over which they had rights and their being in consequence compelled to go much further for their timber. I have no doubt that some of these complaints are false or much exaggerated; and, as I have already mentioned, Mr. Fisher tells me that in one case in Outer Seoraj the people complained bitterly because they were made to go only a quarter of a mile further for their timber. At the same time it is obvious that we should not refuse to let people exercise their rights in the forest over which they exist, unless it is clearly shown that the forest will not bear them. When the forests have been properly examined and even rough working plans have been prepared, we shall be in a position to say what forests (if any) are in this predicament. At present there is scarcely anything known of the forests, and there is a danger that a Forest Officer, with a pardonable inclination to give forest conservancy the benefit of every doubt, would, when there might really be no necessity for so doing, debar people from exercising their rights in the forests over which they are recorded, and relegate them to other forests further off. I don't think we are justified in exposing the people to this. We must have some sense of proportion in regard to such matters. The people have been cutting in these forests as they pleased for centuries, and even if we were to let them do their worst without any control whatever for the two or three years required for the proper

examination of the forests, it would really make very little difference, and of course under the present system, which requires them to take out a permit for every tree they cut, it would make still less.

I would accordingly lay down that pending a proper examination of and report on a forest by some Forest Officer of the higher grades no one shall be debarred from the exercise of his rights in any forest except by a special order of the Deputy Commissioner passed on the report of the Assistant Conservator.

Limitation on sheep grazing.

22. I have also further considered with reference to paragraph 9 of the report of the Conference the limitation on the exercise of forest rights recorded by Mr. Anderson and objected to by Sir James Lyall (*see* paragraph 30 of my previous note), *viz*., that these rights should be exercised only for domestic and agricultural and not for purely pastoral purposes. The question is practically one only as to the grazing of sheep and goats, and, as I observed in my previous note, if a right to graze them for purely pastoral purposes exists, there must from the nature of the case be some limit to it. It is impossible to conceive that every one of the people entitled to put sheep and goats into a forest of limited extent could put in as many as ever he pleased, but what the limitation could be in this instance it was impossible to make out. The Conference now propose that we should lay down that the number of sheep and goats allowed to graze at ordinary grazing rates is limited to what it is found that the forest can support, and that higher or punitive rates should be charged for any number in excess of this. Now, in the first place, to declare that a forest cannot stand more than a certain amount of grazing and then to allow extra grazing because people are prepared to pay higher for it would, it seems to me, be somewhat open to criticism. It would be said that our only object was to get more money out of the people. Besides this I don't exactly understand what is meant. A forest might be able to support 2,000 sheep for one month and 1,000 sheep for two months. Would 2,000 or 1,000 be the limit? And suppose we were to take the limit at 1,000, how would we determine what portion of this 1,000 each right-holder might send in? I requested Mr. O'Brien to consider the matter further and ask the Forest Officers to consider it and suggest some other limitation, but with no result.

The truth seems to be that the reason why we can find no limitation is that there is no right. In other words, Mr. Anderson's record seems to be correct. The breeding of sheep and goats on any considerable scale for the market is, the Conference say, a new industry in Kulu. Everything about it is still fluid, and no definite rights have sprung into existence in connection with it.

On the whole, I think the best course will be to let Mr. Anderson's limitation stand as it is, guarding it so to avoid hardship or disappointment to the people by providing in the rules that nothing in it shall be deemed to prevent any one grazing a number of sheep and goats not exceeding (say) 30 per cent. more than he paid tirni for in the year 1893-94, or where no tirni is paid 30 per cent. more than he possessed on a certain date.

Nets and snares.

23. I do not think we can leave the matter of setting nets and snares on the footing proposed by the Conference in their 16th paragraph. If no one had a right to set nets and snares the point might well be left to the discretion of the Assistant Commissioner; but if, as I gather to be the case some persons have the right, their right should be entered in the record of the kothi in which it exists. If this was done then paragraph 10 of the general conditions might simply say "nets, traps and snares shall not be set without a permit from the Assistant Commissioner," omitting all that follows.

Undemarcated forests.

24. I accept what is said in paragraph 19 of the report of the Conference as regards defining the area of the undemarcated forests. All that is needed seems to be to insert in the notification before the words "the property of Government" the words "recorded in the revenue settlement papers as."

Then as to the definition of rights, if the proposals of the Conference are accepted, paragraph 1 of the "rights and conditions" should open as follows: "Right-holders as defined in paragraph 2 may as against the Government exercise the following rights, subject to, &c., &c.," and paragraph 2 should open as follows: "Proprietors of land and their agricultural tenants may as against the Government exercise any of the above rights provided that tenants-at-will, &c., &c." As a further safeguard against mistake it would be well to insert a paragraph somewhere somewhat to the following effect: "Nothing in this record shall be deemed to confer upon or recognize in any person except as against the Government any right which he does not otherwise possess." It will, however, have to be considered whether any attempt to deal with the matter in this way is not open to the objection raised by Mr. Anderson to the proposal to deal with the undemarcated forests of Kangra in a similar manner, – *see* paragraph 10 of my Kangra Forest note.

Deodars standing in a zamindar's field.

25. The rules regarding deodars* standing in private fields and which have been recorded after some hesitation as the property of the Government are referred to in paragraphs 45 and 46 of my previous note. Many people have complained to me of the rule which requires them to obtain the previous permission of the Assistant Commissioner for cutting such trees, and the complaint seems to me to be a reasonable one. It must be remembered that, though the legal ownership of these trees is rightly or wrongly held to be vested in the Government, it is admitted that the Government ought not to attempt to appropriate them, but should let them stand, to be cut by the owner of the field when he needs them for his own *bonâ fide* use. Practically our interest in them arises only from this that if the owner of the field were to cut them down ruthlessly or sell them to some one else, he would later on require so much more timber from our forests, and it is only to prevent this and to make sure before a tree is cut that it is really within the boundary of a field that we require previous permission to be obtained. It is reasonable that we should impose some check on these matters by requiring some one's permission to be obtained, but it is unreasonable to require the permission of an officer living several days' journey off and the obtaining of whose permission must often entail great harassment and delay on the people. As the people say timber is sometimes required urgently for repairing a building, and even when the matter is not very urgent, there is no necessity for making them go to the Assistant Commissioner. I would make the permission of the Negi sufficient. He should satisfy himself that the tree is really required for the purposes of the owner of the field, should then mark it with a special marking hammer, and cause a record of the permission and the purpose for which it was given to be made by the Patwari. The Assistant Commissioner or Tahsildar could then, when going his rounds occasionally, inspect some of the marked stumps and see whether new wood had been put into the buildings of the owner of the field. If a tree lying beyond the limits of the field was marked, or if a tree within those limits was cut by the Negi's permission and the wood misapplied, the Negi would be held responsible. Subject to the above, I am prepared to accept the new rules under section 75 (c) of the Act proposed by the Financial Commissioner and recommended for adoption by the Conference in their 20th paragraph.

Remaining proposals of Conference approved.

26. I have now noticed all the points in the report of the Conference which seem to call for detailed remarks or orders from me. For the rest I agree to all they propose, subject to what I shall say in the following portion of this note, in which I shall take up certain other points which seem to me to call for notice.

Timber for buildings.

27. The question of timber for buildings is one in connection with which I have received many complaints and one on which I fear it will be very difficult to satisfy the complainants. I have already referred to the very large

* I have spoken here only of deodars because I believe there is no restriction as regards any othe trees on fields; but I see in one petition a complaint is made of some restriction regarding "kail" on fields. Thi is probably the result of misapprehension, but of course if there is to be no restriction in the case of deodar *a fortiori* there should be none in the case of other trees.

amount of timber the people require for their buildings and to their wasteful way of working it. Their right to get from certain forests the timber required for their buildings is provided for in the record-of-rights, and though we are doing what we can to lead them to use the saw we shall have to put up with their present wasteful method of working for some time to come. This being the position, we have to make such regulations regarding the procedure for supplying them with timber as will check extravagance without interfering with the full exercise of their right or unduly harassing them. There are two things to be done when a man applies for permission to cut timber for his buildings from the forest over which he has a right, *viz.* :—

1st—to determine what quantity of timber is really necessary for his purpose; and

2ndly—to determine what particular trees he is to be allowed to cut in order to procure that quantity of timber.

What would be really wanting in order to do these things as they should be done would be to have a number of trained officials, sufficiently well paid to be reliable, all over the country to whom the right-holder could apply and who on receiving his application would within a reasonable time inspect his premises, see what quantity of timber was really wanting, and then mark certain trees for him to cut; but, as already explained, we have not, and cannot have, any such establishment as this.

The work of granting permits has to be all done by the Assistant Commissioner and the Deputy Conservator, who divide it between them. Each of them has about 2,000 applications to dispose of in the year, and they hear them all at the same time, devoting about six weeks to the work. It is impossible for them to inspect the premises for which the timber is required, and they have to ascertain the amount of timber really required as best they can by questioning the applicant, the Negi, and the Forester, a man receiving a salary of only Rs. 20 per mensem. An order is then passed authorizing the applicant to cut a certain number of trees of a certain girth, but before he cuts them they have to be marked by the forest guard, a man receiving a salary of only Rs. 7 to Rs. 10 per mensem.

Same continued.

28. The complaints that have been made to me are—

First—that it is hard on the people to have to wait for their timber till the annual hearing of applications comes round;

Secondly—that they are not allowed the quantity of timber they require;

Thirdly—that they are given trees of large girth which they cannot deal with instead of an equivalent in smaller trees; and

Fourthly—that as regards the marking the trees they are at the mercy of the Forest officials of the lowest grades.

I see no way of meeting the first complaint except by laying down in the rules what is I am told the present practice, *viz.*, that applications in case of urgency, as, *e. g.*, when a man's building has been broken down by the snow or burnt, should be attended to at once, and directing the Deputy Commissioner to see that this rule is enforced.

The second complaint is one which it is only to be expected would be made even where there was not any real foundation for it. The people are given to asking for more timber than they want, and more than they would fell if they were given a permit for it, and when their demand is cut down, they would of course complain. At the same time there is no doubt that from the way the work has to be done this complaint must sometimes be true. All we can do is to enjoin on the Assistant Commissioner and the Forest Officer a reasonable amount of liberality in dealing with these applications.

A way of meeting both these complaints, if it were possible to adopt it, would be to come to an understanding with the people entitled to timber from a forest that they should have a fixed quantity of timber per annum to be distributed among them by the Negi just as we give a village on a canal in the plains a

channel of a certain size, leaving the people to settle the distribution of water among themselves, but Mr. O'Brien fears that there is not sufficient organization among the villagers here to enable this plan to work. The Deputy or Assistant Commissioner might, however, be empowered by the rules to arrange for doing this when the people were agreeable to it and there seemed to be a hope of its working.

The third complaint is one to which we cannot listen. It would be altogether inconsistent with the most elementary attempt at forest conservancy to fell several small trees instead of one large one except when small trees might be available in the course of thinning, but I believe it will be found when the forests have been properly examined that a great deal of thinning is required in the interests of forest conservancy. I have seen many forests which are obviously in need of thinning.

The same continued.

29. The fourth complaint is one that we might manage to meet. I don't know how long the forest guard usually takes to mark the tress. The registers which I have examined do not show this. If the present system were to be continued so far as the marking is concerned, the matter should be closely looked after, and there should be a record made on the register of the date on which the trees are marked, otherwise the people will be to a certain extent at the mercy of the forest guard, who could always extort money from them by delaying to mark. But the truth is we should get rid of this part of the business altogether, especially as the forest guard could, as the people allege he does, not only delay about marking the trees, but, still worse, mark trees in positions very inconvenient for the right-holders if they did not fee him. We may hope that in two or three years rough working plans will have been prepared and a sufficient number of trees marked in each forest to supply the wants of the people for some years to come; and when that has been done, there will be no difficulty about allowing the right-holder to go with his permit to the Negi, who will point out to him from among the trees of the specified size marked by the Forest Department the particular trees he is to cut, at the same time marking them with his own hammer and causing a record of what he has done to be made by the Patwari. Meantime, that is until the Forest Department have marked a sufficient number of trees in a forest, I would leave it to the Negi to fix the trees to be cut and mark them on the permit being presented to him. He would be limited to the number and size of the trees entered in the permit, and an officer coming round afterwards could readily tell if more trees had been cut or if trees substantially larger or smaller than those entered in the permit had been cut. Of course the Negi, not knowing even as much about forest matters as a forest guard on Rs. 7 per mensem, would sometimes select for cutting some trees which a Forest Officer would not select, but the amount of mischief that would in two or three years be added in this way to the mischief that has been going on all these hundreds of years would be so trifling a matter that we could afford to disregard it.

Whether grazing should be restricted to the right-holders of the kothi or hamlet, or made common.

30. Some petitions have been received asking that the grazing should be common to the whole kothi instead of being restricted to particular hamlets, as it is under Mr. Anderson's record. Others ask that the grazing should be common to several kothis. I presume that in all cases where one hamlet has a right to graze in the forests of another, or one kothi in the forests of another, Mr. Anderson has allowed that right. If in any case he has not done so, the parties aggrieved can apply to the Deputy Commissioner.

We need only consider the case where the right does not exist, and leave to graze in another hamlet or another kothi is asked for as a concession or privilege, and the conclusion I have come to after discussing the matter with the Forest Officers and Assistant Commissioner is that if the right-holders in the other hamlet or kothi do not object, we need not interfere so far as undemarcated and second class demarcated forests are concerned; but the Forest Officers apprehend that to let any one but the right-holders graze in first class demarcated forests would be likely to overcharge those forests, and accordingly in first class demarcated forests no one but the right-holders should be allowed to graze.

31. Het Ram in his petition asks that Chamars should be allowed to take the bark of rai and ban for dyeing from one side of the tree.

Bark.

As to this, Mr. Fisher informs me that ban is free to them and that they can always get bark enough off rai that is felled. Probably this, if explained to him, will suffice. If not, Mr. Anderson should consider the matter.

32. The people at Jibbi complained to me that they were not allowed to lop trees for manure except in the presence of the forest guard, who would not accompany them when they wanted to lop and who might be away at a remote part of the kothi and be unable to accompany them.

Prohibition of lopping except in presence of forest guard.

I cannot find any general rule requiring the presence of a Forest Officer, but I see Mr. O'Brien writes on Het Ram's petition that "loppings have to be supervised by a Forest Officer," and I find further that in some of Mr. Anderson's detailed records there is a provision to this effect.

This seems to me altogether unnecessary, and as it is singularly liable to become an engine of extortion in the hands of the forest guard, it should be omitted. The rules as to lopping for manure or fodder are so framed as to protect the trees as far as we can venture to do so, and if a tree is lopped otherwise than in accordance with them, it can be easily detected and the Negi held reponsible.

33. Exception has been taken to the rule laid down in paragraph 4 (12) of the "rights and conditions" for undermarcated forests that permission to cultivate will not ordinarily be given if there are trees of any of the 20 reserved kinds on the land, and one cannot help suspecting that the rule is too rigid. Where such trees exist in any number and of any size worth preserving, the land should not be given out for cultivation, but the mere existence of a few trees of the descriptions in question should not be a bar. There is no need to have a rule on a matter of this sort, which may well be left, as it is in Assam, to the discretion of the Deputy Commissioner, to be exercised in consultation with the Forest Officer and subject to the control of the higher Revenue authorities. A man taking land for cultivation with trees on it would, I presume, pay for them at full rates; or, if he did not want to cut them and had not money to pay for them at once, he might be allowed, as he is in some cases in Assam, to have the land without the trees, which would remain the property of the Government and be protected by rules made under section 75 (*c*) of the Act.

Restrictions on cultivation in undemarcated forests.

34. A complaint has been made to me of the rule prohibiting the cutting of dry standing trees in first class protected forests until they have been specially marked by a Forest Officer. The result of it is said to be that people have to go up to the second class forests, which are more remote from the village and may be covered with snow, to get firewood, which is a hardship.

Claim to dry standing trees and fallen trees.

The rule, it seems to me, will be a very proper one to enforce when the Forest Officers have gone over the ground and marked a sufficient number of dry trees in the first class forests, but meantime its operation should be suspended, the permission of the Negi only being required. I understand the objection to this is that there is a danger that if the people did not find a dry tree in a convenient place, they might ring a living tree so as to make it dry up and thus be able to cut it, and no doubt it is conceivable that this would occasionally be done; but the mischief that is likely to occur in this way within the short time that would be required to mark a sufficient number of dry trees would be so slight that we need not trouble about it.

Of course deodar, walnut, box and ash should not be cut without permission.

A complaint was also made to me that all the dry fallen timber was sometimes sold off by the Forest Department, and that there was then none left for the right-holders to take. I had no means of ascertaining whether this ever happened, but I need not say enough should be always left to meet the requirements of the right-holders.

35. It is quite clear that the Ban Gujars (nomadic Gujars) with their herds of buffaloes have no right whatever to graze their buffaloes in the forest, and as they are objected to by the people, as well as by the Forest Officer, it may be regarded as settled that they are not to be allowed to come into the forests. The question of buffaloes which are here and there kept by zamindars for their own use is not so simple. It might perhaps be argued that though buffaloes are a new thing in Kulu, they are covered by the right to graze cattle kept for domestic purposes. On the other hand, it might be argued that they are very different from cows and bullocks, much more destructive to the forests, and further that, as already stated, they are objected to by the zamindars generally, and that hence they ought not to be taken as covered by the custom on which our record is based. This latter is the view adopted by Mr. Anderson after some hesitation and accepted by Colonel Wace and Sir James Lyall who throughout displayed an anxious regard to the claims of the people, and I do not propose to make any alteration in Mr. Anderson's record in this particular. But the point must be eased off to some extent. A couple of buffaloes is an important accession to the comfort of a family, and I don't think it would be fair to throw obstacles in the way of people keeping them. Of course they could keep them in their houses and stall feed them, and I am informed this is done in some places on the Mandi border, where the khuds are so dangerous that it is not safe to let a buffalo go out to graze; but where, as at a place that was pointed out to me by some people who stopped me on the road between Bajoura and Sultanpur, there is waste land classed as forest, but without a tree on it, round the cultivation on which buffaloes can be allowed to graze without doing the slightest harm to anybody, I think it is only right to let a zamindar graze one or two buffaloes there. It should therefore be provided in the rules that the Assistant Conservator might grant a permit to a zamindar to graze buffaloes kept for his domestic use in any undemarcated forest where there is no risk of danger to the tree growth. I see it is stated in a petition presented to me that keepers of buffaloes are not even allowed to cut grass for them. I don't know whether zamindars keeping buffaloes for their domestic use have been refused permission to do so, but if they have it should be made known through the Assistant Commissioner that they may do so.

Buffaloes and horses.

It is also stated in the same petition that people keeping buffaloes cannot take them across forest land from one place to another, or to a stream to water them without being treated as trespassers. I trust this is not true, but if there is any foundation for the statement the Deputy Commissioner should see that nothing of the sort occurs in future.

I have received complaints that horses have not been allowed to graze. I suppose if they have been prevented it is owing to some mistake. Possibly their grazing is not expressly provided for in the record, but any one of common sense must see that it would be absurd to worry the people about such a very petty matter as the grazing of horses in Kulu.

36. Mr. Anderson's draft notification regarding waif timber, Appendix XI to his Report, seems to need some amendment in points of drafting to make it express clearly what has been settled.

Waif timber.

The proviso marked (3) in Mr. Fanshawe's amended draft I understand is meant to prevent the people from cutting up the timber on the river bank so as to reduce it to the dimensions specified, and this is by no means clear as the thing stands.

It would further be desirable to add a proviso preventing any one from removing timber squared by the saw so as to guard against the removal of sleepers. I may mention in connection with this subject of drift timber that some people complained to me near Katrain that the Forest Department sold by auction all the drift timber on the river in that locality, with the result that nothing was left for the people to take. This should not be done. A reasonable amount should always be left.

37. Complaints have been made about the burning of lime and charcoal not being permitted within the limits of the first class demarcated forests.

Lime and charcoal burning.

I can quite understand that it cannot be permitted *generally*, but I should think there would often be extensive open spaces within those forests in which it could be safely allowed, and, where this is so, a special permit should be given.

38. It will be seen from a great deal that I have said my object is to get the system worked in such a way as to make it as little unpopular as possible.

System to be worked so as to make it as little unpopular as possible.

Particular care should be taken to avoid anything in the way of harshness and rigidity of system where not absolutely necessary.

A complaint which was made to me at Nagar is worth mentioning as illustrating what I mean.

There were some people who were entered in Mr. Anderson's record as having a right to take roofing slates from a certain place and the slates there had been worked out. They accordingly wanted permission to take slates from some other place, but a particular place had to be fixed for them, and they complained of the delay in fixing it. Now these so-called slates (they are not true slates) are utterly worthless for any purpose except roofing the zamindars' houses. They could never become an article of commerce. The people are not likely to go to the trouble of taking more of them than they want for their houses, and the only reason for placing any restriction on the taking of them at all is that there might be some seedlings round the quarry which might be destroyed in carrying away the slates or by the *débris* being thrown about. But the space over which this could happen would be so minute as compared with the size of the forest that even if the young forest growth were destroyed on it for ever it would be of very little importance, and the mischief that could be done if a man was allowed to take slates during the short period which would elapse before his case could be regularly dealt with would not be worth thinking of. It would in fact come to no more than this, that 100 years hence we should have perhaps 10 or 12 trees which would be 90 years old instead of being 100 years old. Obviously the proper course in a case of this sort is to ask the applicant "Where do you propose to get your slates?" and then when he names the place, unless there is some obvious objection to it, to pass an order permitting him to take them there until a permanent arrangment can be made.

It cannot be too strongly impressed on our officers that having a very unpopular task to perform it is their bounden duty to make their performance of it as little worrying to the people as they possibly can. I may add that there are many small matters in which the Forest Officers can make concessions to the people and thus conciliate them and secure their support, *e.g.*, there may be a reserved forest where no one has a right to cut grass or take minor forest produce and where no one would pay anything worth speaking of for the privilege of cutting grass or taking such forest produce. In such a case it might be possible, without any risk of damage to the forest, to let some neighbouring village cut the grass or take the forest produce on condition of behaving well and aiding the Forest Department.

39. There is another point which is of considerable importance, and that is that it should be fully explained to the people what they may do and what they may not do.

Record and rules to be thoroughly explained to the people.

Many complaints have been made about rules and restrictions which do not exist and have not been proposed. Some of these complaints, as I have already said, are merely what is called "peshbandi" but others are evidently really believed to be true, and it is possible that in some cases forest guards or others have for their own purposes pretended to the people that something or other was forbidden which as a matter of fact had never been forbidden. As soon as the record and rules are finally settled, lithographed copies of the general portions and manuscript copies of the particular portions relating to individual forests should be distributed to all concerned.

40. To prevent mistake I should observe that when it is said in any of the rules that such or such a thing shall not be done without "the permission" of such or such an officer the meaning must not be taken to be that

Meaning of the word "permission."

the officer in question has an absolute discretion to refuse permission. He is bound when his permission is applied for to see whether the applicant is entitled to do the thing in question, and if he is, the permission must be given subject to such conditions as to time, place, etc., as may be consistent with the right and reasonable. The permission is required merley for purposes of regulation and supervision ; and perhaps in order to preclude mistake it would be better instead of saying that a person must obtain the "permission" of the officer, to say that he must obtain a "permit" from the officer.

41. As in the case of the Kangra forests I have in the foregoing note confined myself to points to which my attention has been in some way specially drawn. The details of the scheme as a whole I must leave to others.

D. FITZPATRICK.

The 9th January 1894.

Copy of Financial Commissioner's Office endorsement No. 2173, dated 27th March 1894.

COPY of Punjab Government No. 198, dated 16th March 1894, and enclosures with four spare copies, forwarded to the Commissioner and Superintendent, Jullundur Division, with the request that he will call upon Mr. Anderson to amend the rule and records and submit the further reports now desired by Government.

No. 28 C., dated Simla, the 7th June 1895.

From—R. SYKES, Esquire, Officiating Senior Secretary to the Financial Commissioner, Punjab,

To—The Revenue Secretary to Government, Punjab.

Commissioner Jullundur's No. 2870, dated 16th October 1894, with enclosures (in print), and marginal notes recorded by the Financial Commissioner.
Commissioner's No. 369, dated 8th February 1895, with enclosures.

Financial Commissioner's demi-official dated 2nd April 1895 and Mr. Anderson's replies thereto.
Mr. Anderson's demi-official, dated 28th May, and enclosure.
Revised Appendices II and III in manuscript.

WITH reference to your letter No. 198, dated 16th March 1894, regarding the Kulu Forest Settlement, I am desired to submit the papers noted in the margin, containing the further report called for in that letter, and to communicate the following remarks.

2. The Financial Commissioner will endeavour in this letter to set forth as briefly as possible the present state of the case and the matters for decision, with a view to final orders being passed on this long-pending case.

3. After reading through the papers, Mr. Young found that he required further information on certain points. He therefore addressed Mr. Anderson direct in a demi-official letter, dated 2nd April 1895, asking him to reply to certain questions. This Mr. Anderson has done, and amongst the enclosures to this letter is forwarded a copy of the demi-official letter above referred to, and of Mr. Anderson's replies of the 10th April 1895, supplemented by his demi-official of the 28th May, to which it will be necessary to refer later on.

4. Subject to the remarks hereafter made, the Financial Commissioner finds that Mr. Anderson has now revised his proceedings in accordance with the orders of His Honor the Lieutenant-Governor, and that all that remains to be done is to complete the record and publish the necessary notifications with such amendments as may be approved by Government.

5. I am now to proceed to deal with the different classes of forests in order.

RESERVED FORESTS.

6. The notification declaring certain lands to be reserved under Chapter II of the Forest Act in accordance with the provisions of Section 19 of the said Act has been published (Notification No. 298, dated 12th May 1894).

7. The record of rights for reserved forests is contained in two papers, *viz.* :—

(1) General conditions for reserved forests. This has not been altered, and with reference to Mr. Anderson's reply to question II in the Financial Commissioner's demi-official of 2nd April, no amendment appears to be required.

(2) Record of rights in reserved forests. In this no amendment has been desired.

8. These two papers, the Financial Commissioner gathers from paragraph 3 of His Honor the Lieutenant-Governor's note of 2nd September 1893, may be accepted as they stand, as complying with the provisions of Chapter II of the Forest Act in regard to the framing of a record of rights by the Forest Settlement Officer. They are subject to the provisions of Section 21 of the Act, the date from which the five years therein mentioned will run being the 12th May 1894. No orders of Government are necessary in regard to the record. Mr. Anderson's remark in paragraph 2 of his letter is only correct subject to the limitation mentioned in paragraph 16 of His Honor's note of 9th January 1894. Any area included in the notification can be excluded under Section 26 of the Act, but no addition can be made to the areas without going through the whole procedure beginning with Section 4 of the Act.

Protected Forests.

9. There are three classes of protected forests, 1st, 2nd and 3rd class. The 1st and 2nd classes have been demarcated ; the 3rd class is undemarcated. These three classes will be dealt with separately.

First Class Protected Forests.

10. A draft notification under Section 28 of the Forest Act declaring the provisions of Chapter IV of the Act applicable to these forests, with a description of the boundaries revised by Mr. Anderson as promised in paragraph 3 of his letter No. 1427, dated 21st September 1894, is submitted herewith in manuscript to be substituted for Appendix II, of the Report.

11. The record of rights for 1st class protected forests is contained in two papers, *viz.* :—

(1) General conditions for 1st class protected forests. (First part of Appendix X forming one of the enclosures to Mr. Anderson's letter. See Mr. Anderson's remarks in paragraphs 31 to 37 of his letter.

(2) Record of rights in 1st class protected forests in Kulu Proper, Inner Seoraj, Outer Seoraj and Waziri-Rupi as amended in manuscript by Mr. Anderson. (Paragraphs 31 to 37 of Mr. Anderson's letter also refer to these records.)

12. In regard to the amendments in this record now made by Mr. Anderson, Mr. Young has, for convenience, recorded marginal notes on paragraphs 31 to 37 of his letter. The only amendment now proposed is that indicated in the margin of Mr. Anderson's paragraph 32, in regard to paragraph 8 of the general conditions. As soon as a final decision has been arrived at in regard to all the matters still requiring disposal in connection with this record, and any further amendments necessary have been duly recorded, the notification declaring the provisions of Chapter IV applicable to these 1st class protected forests may be published under Section 28 of the Act. See also paragraph 21 of this letter.

13. The Financial Commissioner has only a few remarks to add with reference to paragraph 33 of Mr. Anderson's letter. He regrets that Mr. Anderson's general condition No. 11 regarding assistance in extinguishing forest fires, whether

the people have been called upon to do so or not, has to be abandoned. But he does not think an entry on this subject can be made in virtue of the rules of 1855. The decision not to employ these rules for this purpose which was arrived at in the correspondence of 1883 seems to preclude such an entry, and Mr. Young hardly thinks that the mere enactment of the rules in 1855 justifies us now in limiting the rights of the people by adopting one of them in the record of rights under Section 28. The remarks made by His Honor the Lieutenant-Governor in paragraph 7 of his note on the Kangra forests do not apply to the present case. As Mr. Anderson has himself stated in paragraph 5 of his report, the revised Kangra Rules of 1859 were unsuited to the special circumstances of Kulu and could not be effectually applied. The Financial Commissioner therefore sees nothing for it but to abide by the provisions of Section 78 of the Act, which have been considered sufficient for the purpose since the question was first raised.

Second Class Protected Forests.

14. A draft notification under Section 28 of the Forest Act declaring the provisions of Chapter IV of the Act applicable to the 2nd class protected forests, revised where necessary as regards the description of the boundaries, is also submitted in manuscript to be substituted for Appendix III, of the Report.

15. The record of rights for 2nd class protected forests is contained in two papers, *viz.* :—

(1) General conditions for 2nd class protected forests (second part of Appendix X forming one of the enclosures to Mr. Anderson's letter—see Mr. Anderson's remarks in paragraph 38 of his letter.)

(2) Record of rights in 2nd class protected forests in Kulu Proper, Inner Seoraj, Outer Seoraj and Waziri-Rupi as amended in manuscript by Mr. Anderson. (Paragraph 38 of Mr. Anderson's letter also refers to these records.)

16. The first eleven provisions and the last two in (1) are the same as for 1st class protected forests. The others differ. The object of these subsequent provisions has been explained by Mr. Anderson in paragraph 38 of his letter, and the Financial Commissioner thinks that the whole may be approved. Paragraph 8 of (1) will be altered as in the case of 1st class protected forests, if that correction is accepted. When this record, as finally approved, has been duly made, the notification declaring the provisions of Chapter IV applicable to these 2nd class protected forests may be published under Section 28 of the Act. See also paragraph 21 of this letter.

Third Class Protected Forests.

17. A draft notification in general terms under Section 28 of the Forest Act, declaring the provisions of Chapter IV applicable to all Government forest and waste land not included in 1st or 2nd class protected forests, amended as desired by His Honor the Lieutenant-Governor in paragraph 24 of his note of 9th January 1894, will be found as Appendix IV (*vide* paragraph 4 of Mr. Anderson's letter).

18. The record of rights for 3rd class protected forests is contained in two papers, *viz.* :—

(1) General conditions for the undemarcated protected forests. (Third part of Appendix A, forming one of the enclosures to Mr. Anderson's letter.)

(2) Record of rights held by agriculturists of one kothi in respect of the 1st class trees standing in the undemarcated forests of other kothis. (Fourth part of Appendix A as above.)

19. These papers have been framed in accordance with the instruction of His Honor contained in paragraph 24 of his note of 9th January 1894, as explained by Mr. Anderson in paragraphs 39—41 of his letter.

20. The notification for the 3rd class protected forests might be published at once, but it will be more convenient to wait for the notifications for 1st and 2nd class protected forests, and publish the three together. See also next paragraph.

21. There is one more paper forming part of the records which must be mentioned here. This is the document headed "general provisions regarding the rights of the Rai of Rupi in the protected forests of the Rupi Jagir";—No. 5 in paragraph 198 of Mr. Anderson's report. Mr. Anderson has amended this record (paragraph 42 of his letter) in accordance with the orders of Government contained in the letter No. 199, dated 16th March 1894, consequent upon the break in the succession and the re-grant of the jagir to Megh Singh. This record must be approved by Government and formally completed before the notifications mentioned in paragraphs 12, 16 and 20 are published.

22. Besides the above, the following draft notifications and rules are submitted for publication under the Act:—

I.—Draft notification as to reserved trees in 1st, 2nd and 3rd class protected forests under Section 29 (*a*) of the Act (Appendix V. No alteration (*vide* paragraph 5 of Mr. Anderson's letter).

II.—Draft notification as to prohibition of the breaking up of land in 1st and 2nd class protected forests under Section 29 (*c*) of the Act (Appendix VI.) The reasons for the present framing of this notification are given by Mr. Anderson in paragraph 5 A. of his letter. As regards this notification the Financial Commissioner has the following remarks to make. In the first place the term "demarcated forest" is not known to the Act, and Mr. Young thinks it will be better to retain the term 1st class or 2nd class protected forest, as the case may be. Secondly, he does not think that the prohibition, except under special permit, of burning of lime or charcoal should be removed from the notification and embodied in rules under Section 31 of the Act. The burning of lime or charcoal is one of the acts for the prohibition of which express provision is made in Section 29 (*c*) of the Act and a penalty provided in Section 32 (*b*). The subject is not specifically mentioned in Section 31 as one of the matters regarding which rules may be made under that section. Nor does Mr. Young gather, either from paragraph 37 of His Honor's second note or from the correspondence generally, that there is any reason for regarding the privilege of burning lime or charcoal in 1st class protected forests as one to which the people have a right. He would therefore let the former notifications (Appendices VI and VII.) stand and rely upon Section 33 of the Act for remedying the complaints alluded to by His Honor the Lieutenant-Governor. Otherwise there will be no legal provision for restraining the burning of lime and charcoal in 1st class protected forests. No. 23 of the proposed rules under Section 31 of the Act will then be omitted. The Financial Commissioner does not himself see any objection to inserting after the words "the burning of lime or charcoal" in Appendix VI the words "without a permit in writing from the Forest Officer," and he recommends that this should be done with reference to His Honor's remarks in paragraphs 37 and 40 of his note of 9th January 1894.

III.—Draft notification as to closed areas under Section 29 (*b*) of the Act (paragraph 6 of Mr. Anderson's letter). The amended notification promised by Mr. Anderson has been received with Commissioner Jullundur's No. $\frac{369-J.}{III-5}$, dated 8th February 1895,

which, with its enclosures, is herewith forwarded. The revised list of areas, with the heading given in Appendix VIII may be accepted. But, as these areas seem to have been already closed, it will not be in accordance with law to close them from the date of a future notification. Therefore after the words " or for such shorter period as may be found sufficient " the Financial Commissioner would add " provided that such of these areas as have been closed before the date of the notification shall not be closed for more than twenty years from the date on which they were so closed." Mr. Young concurs with the Commissioner and Deputy Commissioner in recommending that no area in future be closed except with the formal sanction of Government. This in fact follows from the necessity of gazetting all such closures under Section 29 (*b*) of the Act.

IV.—Draft rules under Section 31 of the Act relating to protected forests of all classes (Appendix IX revised, enclosed with Mr. Anderson's letter,—*vide* paragraphs 7 to 30 of the letter, paragraphs 5 to 16 of Colonel Massy's letter and Finanical Commissioner's marginal remarks). The Financial Commissioner will not enter into the much-debated question again raised by the Deputy Commissioner and Commissioner in regard to these rules. He understands His Honor the Lieutenant-Governor's view to be that although rules under Section 31 cannot prohibit acts in the exercise of rights (Section 33), they can regulate the manner in which the rights are exercised, provided the substance of the rights is not affected. If we cannot extract this amount of meaning out of the sections, they are useless in the case of Kulu. The people's rights have been so undefined that we cannot record them in very definite terms. The restrictions which it is proposed to place upon them by the rules under Section 31 are the least consistent with the preservation of the forests. We must hope that no conflict will arise between the rights and the rules. If it does, the particular question must be referred and the rule altered, but the probable result will be that in course of time the mode of exercising the rights as well as the rights themselves will become more defined under the present settlement and rules without any legal question arising. The Financial Commissioner would only add that in his opinion Mr. Anderson had high authority for the view on which he acted, and that, as he reads His Honor's notes, Mr. Anderson's work is fully appreciated. The difficulties which have arisen are largely due to the defects in the Forest Act, which have often been commented upon. As regards the rules themselves, Mr. Young has recorded his opinion in all doubtful points on the margin of the correspondence, and recommends that the rules be accepted with the amendments there indicated (see also next paragraph). Mr. Anderson has explained (reply to question I-19 in Mr. Young's demi-official letter of 3rd April 1895) that the rules do not apply to the Rai of Rupi, but, as he shows, there is no necessity for exempting him specially from their operation.

V.—Draft of exemptions under Section 45 of the Act regarding drift timber. (Appendix XI revised, forming one of the enclosures to Mr. Anderson's letter, paragraphs 54 and 55 of that letter and paragraphs 18 and 19 of Colonel Massy's letter). It will be seen from question VI in the Financial Commissioner's demi-official of 2nd April 1895 and Mr. Anderson's reply, that the latter has accepted an amended notification proposed by Mr. Young. A complete revised notification under this section showing the rivers and limits within which the exemption extends has been prepared by Mr. Anderson as an enclosure to his

second demi-official of the 28th May and is submitted herewith. This notification is recommended for adoption. The Financial Commissioner agrees with Mr. Anderson in his remarks in his demi-official of the 28th May concerning the effect of this proposed notification under Section 45. He also agrees that an addition should be made to the following effect in each record of 1st class, 2nd class and undemarcated forests : " Timber lying within high water level of large streams has not been removed except small pieces which one man can carry." The Financial Commissioner also approves of the second of the alternative rules proposed by Mr Anderson in his demi-official of the 28th May as an addition to the rules under Section 31. Rule 20 has accordingly been added to the rules in revised Appendix IX submitted with Mr. Anderson's letter.

VI.—Draft rules under Section 75 (*e*) of the Act for the preservation of trees belonging to Government, but grown on private lands (last enclosure of Mr. Anderson's letter, paragraphs 52 and 53 of letter and paragraph 17 of Commissioner's letter). The Financial Commissioner thinks these rules may be accepted.

23. What remains to be done is as follows :—

(1) If His Honor the Lieutenant-Governor now accepts Mr. Anderson's records of rights as detailed in paragraphs 11, 15, 18 and 21 of this letter, with the slight amendments suggested in paragraphs 12 and 16 of this letter, Mr Anderson may be instructed to complete his record without delay and intimate having so done.

(2) Thereafter the following notifications may be issued :—

(*a*) Notifications declaring the forests protected forests of the 1st, 2nd and 3rd class respectively (paragraphs 10, 14 and 17).

(*b*) Notification as to reserved trees (paragraph 22 I).

(*c*) Notifications as to prohibition of burning lime and charcoal and breaking up of land (paragraph 22-II).

(*d*) Notification as to closed area (paragraph 22-III).

(*e*) Draft rules under Section 31 of the Act (paragraph 22-IV).

(*f*) Notification of exemptions regarding drift timber (paragraph 22-V).

(*g*) Draft rules under Section 75 (*c*) of the Act (paragraph 22-VI.)

No. $\frac{\text{2870-J.}}{\text{III-3}}$, dated Jullundur, 18th October 1894.

From—Lieutenant-Colonel C. F. Massy, Offg. Commissioner and Superintendent, Jullundur Division,

To—The Senior Secretary to the Financial Commissioner, Punjab.

With reference to your letter No. 2173, dated 27th March last, I have the honor to submit, in original, Mr. Alexander Anderson's letter No. 1427, dated 21st ultimo, enclosing notifications and records for the protected forests of Kulu, amended in accordance with the Lieutenant-Governor's orders passed in His Honor's notes of 2nd September 1893 and 9th January last.

2. The questions under reference are of a difficult nature requiring deep study and an intimate knowledge of the locality affected. I confess complete ignorance of the subject, though I have done my best, during a recent tour in Kulu, to grasp some of the details, and have gone over Mr. Anderson's letter with the local Deputy Conservator of Forests, Mr. C. P. Fisher, whose assistance I gratefully acknowledge. Fortunately the Lieutenant-Governor has himself mastered the subject, and will be able to deal with all Mr. Anderson has to say without any intermediary agency.

3. Dealing with the appendices to his Kulu Forest Report, Mr. Anderson states, as regards Appendix I, that the procedure required under Section 20 of the Act (publication locally of the notification under Section 19 declaring the forests reserved) has been carried out. But he thinks an amended notification may have to be issued giving the area boundaries in greater detail, which, he says, may be done "at any time." Appendices II and III (notifying the application of the provisions of Chapter IV of the Act to protected forests of the I and II classes) are also reported to require modifications in the same respect, and these are promised for early submission. Mr. Anderson has made the additions to the draft notification (Appendix IV) constituting undemarcated forests, ordered by His Honor in paragraph 24 of his second note.

4. Appendix V is a draft notification specifying the trees reserved under Section 29 (*a*) of the Act in all except forests reserved under Chapter II. The list stands unaltered. The draft (Appendix VI) prohibiting breaking up for any purpose lands within demarcated protected areas has now been revised, omitting the express prohibition against lime and charcoal, so as to bring it in harmony with the Lieutenant-Governor's views expressed in paragraph 37 of his second note. This matter is now to be regulated by Mr. Anderson's Draft Rule No. 23 of revised Appendix IX recognizing burning under a special permit of the Assistant Commissioner or Forest Officer. Mr. Anderson's draft notification (Appendix VIII) specifying areas closed, prepared in 1886, will be brought up to date and submitted later on.

See Commissioner's No. 369 of 8th Feb. 1895. W. M. Y.

5. The draft rules under Section 31, Chapter IV, of the Act affecting the protected areas (Appendix IX) have now been re-cast, making them independent of the record of rights. Mr. Anderson explains (paragraph 8) that his previous work was based upon the Government Advocate's opinion and the orders of Government thereon; and he discusses at considerable length (paragraphs 9 *et seq.*) the legal effect of his newly proposed rules under Section 31 with reference to this legal opinion; the question being, whether or not (with reference to Section 33 laying down that nothing in Chapter IV of the Act shall prohibit any act done in the exercise of any right recorded under Section 28) the loose record of a right in general terms (such as that of lopping a tree) can be limited by a rule under Section 31 (such as that the tree shall only be lopped to the height of one-half or one-third). Under Section 28 the zamindar will have a right recorded to him of unrestricted lopping (to follow the instance given). Can he be restricted in the extent of his loppings by any rule under Section 31? I think not. Nor can his rights be limited under Section 29, though they may perhaps be cancelled for a period by declaring the trees reserved. In this view it would have been perhaps better to specify the extent of the restrictions in the *record* prepared under Section 28 rather than by a *rule* under Section 31. Mr. Anderson has now, under His Honor's directions, submitted draft rules under Section 31; but he has pointed out the difficulties that may arise when there is a conflict between the rules and the record. In his opinion, even the regulation of rights by a rule under Section 31 (*b*) cannot (with regard to Section 33) prohibit any act done in the exercise of a right. The Lieutenant-Governor may perhaps reconsider his orders with reference to what Mr. Anderson has now written. In connection with this question I draw attention to his remarks in paragraphs 34-36 of his letter.

6. Mr. Anderson (paragraph 11 *et seq.*) discusses his revised rules given in Appendix IX. He gives two alternative definitions for the word "cattle" (see also paragraph 31 of his letter). Of these the first appears more suitable, stating merely what is *not* included in the word. It is not a matter of much importance. The main object is, as far as possible, to exclude buffaloes, which do considerable harm and are strongly objected to by the people, and which therefore should be discouraged. A rule (6) has been framed to enable owners of buffaloes to graze them under certain restrictions, in accordance with the directions given in paragraph 35 of the Lieutenant-Governor's second note. Mr. Anderson gives reasons for extending grazing and other rights to owners of land broken up after settlement. This appears to be a necessity to them in carrying out their agricultural pursuits.

Perhaps it will be best to say "includes horses, mares, etc., but does not include, elephants, camels, etc, it is better to make the rule complete in itself. W. M. Y.

7. A provision has been made in Rule 7 (1) restricting grazing in I class forests to right-holders, and limitations as to time are excluded from the draft. Horned cattle and sheep and goats kept for *agricultural* purposes only are authorized to graze in these forests. The object is to give the forests a chance by discouraging the keeping of pastoral flocks. As regards II class forests, the proposed rule excludes grazing by Gaddis and Gujars and all who are not revenue-paying owners and their tenants in the Kulu Sub-division. An alternative rule has been drafted enabling us to interfere in defence of the right-holders as against outsiders, if it be thought that such interference is necessary. Mr. Fisher would confine the grazing strictly to right-holders, the forests being very much over-grazed as it is. They are of course of no value to Government, but in the interests of the people we should do all we can to preserve them; while as a protection against the formation of slips and torrents which damage the cultivation their maintenance is essential. The right-holders themselves, too, will no doubt strongly object to unrestricted grazing by outsiders. This being so, I think we should confine it to right-holders, and protect them by active interference when their rights are infringed instead of leaving them to fight their own battles in the courts. Also, in the interests of conservation, I would prohibit the leasing or letting out of grazing rights to outsiders by right-holders. If

they have grazing in excess of their own requirements, the opportunity should be taken of reserving a portion for reproduction under Section 29 (*b*) of the Act. Mr. Anderson has followed His Honor's instructions (paragraph 22, second note) in permitting the grazing of right-holders to the extent of 30 per cent. above the enumeration of sheep, &c., made in 1890; allowing an excess only if it can be shown that these animals are not kept for pastoral purposes. It is to be noted that agricultural sheep and goats are kept mainly for the sake of manure, surplus stock being sold to the Simla market. Excess flocks must be discouraged by every possible means. I understand the increase between 1884 and 1890 was about 12 per cent., therefore a large increase may be expected in the future, and this will have to be closely watched. The people largely pay their revenue from the proceeds of surplus stock, and with unrestricted grazing they will be encouraged to adopt this easy method of making money, at the expense of the forests. The intention of the Conference was that the stock should be limited in accordance with the grazing possibilities of the forests, having their survival in view. Mr. Fisher thinks, with unlimited grazing, the forests will soon disappear.

See on D. C's para. 17. W. M. Y.

8. No. 8 of Mr. Anderson's rules define the grazing rights of Gaddi shepherds passing through the valley. A time-limit has been imposed, which the Assistant Commissioner may extend; and they are forbidden from loitering or over-grazing any particular tract. The rule is not a harsh one as against the Gaddis, and it will be appreciated by the right-holders.

I agree. W. M. Y.

9. Rule 9 prohibits the taking of fallen leaves from a I class forest except in the exercise of a recorded right as recommended by the Conference. Forests of the II class have not been declared closed to outsiders for the collection of manure. I would close them to all but right-holders. The forests cannot supply both manure and timber. The more leaves you remove the less timber you grow. The time limit has now been cancelled with reference to paragraph 15 of His Honor's second note.

I agree. W. M. Y.

10. On the subject of lopping, cutting, barking, ringing and removal of timber in I class forests, Mr. Anderson submits two alternative rules (No. 10). The former forbids these except in the exercise of a recorded right, subject to the provisions of the next following rule (11) excluding certain named trees from destruction without permission. This first draft is strongly advocated by Mr. Anderson for full reasons given. The second draft is made to include all outside owners and tenants in the privileges restricted by the first draft to right-holders. This is objectionable as making to them a concession which will certainly be distasteful to the right-holders; and I can see no ground for placing both classes on the same level. The Conference appears to have been wrongly led to believe that right-holders were indifferent in the matter. At all events their interests are largely concerned; and Mr. Anderson points out, what I have also seen, the serious damage caused by landslips in tracts where the hillsides have been denuded. He notices the consequences of apathy in the Hoshiarpur Siwaliks. If the people are to have too free a hand, then the sooner we withdraw the Forest agency and effect an economy the better. We can never hope to make a profit out of the Kulu reserved forests; and the main business of the Forest Department is to do everything possible to keep the hills covered in the interests of the people themselves.

I agree. W. M. Y.

11. To Rule 11 (2) Mr. Anderson has added an important clause forbidding the cutting, without permission, of timber from a forest which has been burned. I hope this will be upheld. Formerly, in the case of malicious fires, a fine was levied from the whole body of right-holders. But this practice has been recently decreed to be illegal. The enforcement of joint responsibility is therefore at an end, and the people are no longer personally concerned in stopping fires. Consequently it is to their immediate selfish interest to promote fires if they may step in and annex the burnt timber. Mr. Anderson's proposed clause will have the effect of checking the practice, though it will still go on for the sake of the better grass. He discusses the matter fully in paragraph 33 of his letter.

See on para. 23 of D. C's letter. W. M. Y.

12. As regards tree-lopping, the rules now impose limits of height and girth. Mr. Anderson considers the restrictions necessary and believes that the people will be able to obtain all they want by going further into the forests. But he admits that the proposed rule is a restriction upon rights previously exercised. Mr. Anderson notes the legal objection which I have referred to at the beginning of my letter, this rule (under Section 31) being in conflict with the exercise of the right recorded under Section 28 of the Act. He asks Government (end of paragraph 23) to declare how such objections are to be met.

See D. C's letter. There are two alternatives of (8) W. M. Y.

13. In paragraph 24 of his letter Mr. Anderson deals with the Conference rule forbidding the cutting of *kail* poles for funerals and alders only when specially marked by the Forest Officer. He shows that this is a rescinding of recorded rights, and he has accordingly amended the rule so as to permit the cutting of *kail* in I class forests for the above purposes, even where the right was not recorded, and thus remove the difficulty in working the rules requiring the previous marking of the trees by the Forest Officer. This proposal (Rule 11 (8) and (9) should be accepted, as it is impolitic to interefere in the case of funerals, and they are matters of rare occurrence.

14. Draft Rules 12 to 19 inclusive have been made to harmonize with instructions received. Draft Rule 20 forbids and therefore makes penal the sale by a right-holder of

his own acquisitions, with certain noted exceptions, as entered in the rules for Kangra Proper. Mr. Anderson gives reasons for believing they may be legally enforced, with reference to doubts expressed in paragraph 23 of the Lieutenant-Governor's Kangra note. Certain changes in the record, affecting alienation of forest produce rights, are explained in paragraph 31 of Mr. Anderson's letter. The rules next following deal with the rights of non-agriculturists to dry wood, grass and grazing, and to the regulation of lime and charcoal burning, in harmony with His Honor's instructions in paragraph 37 of the second note. The clearing of land for cultivation is prohibited in both classes of protected forests, but is allowed in undemarcated areas under the Assistant Commissioner's permission. Mr. Anderson proposes that the use of thaches (open glades on sunny slopes within the forests) for the cultivation of vegetables shall be accorded, as in the past, by the Forest Officer, under Section 33 of the Act. Rule 26 enables the Collector to interfere if the Forest Officer infringes to excess in the people's rights in timber. Finally, Rule 27 regulates the matter of netting and snaring as desired in paragraph 23 of the Lieutenant-Governor's second note, (see also paragraph 43 of Mr. Anderson's letter).

See on paras. 28 of D. C's latter.
W. M. Y.

15. In paragraphs 31 to 40 Mr. Anderson enters at length into his reasons for maintaining or modifying the previous entries in the record, and he also justifies his proceedings in the past, some of which have been adversely criticized, showing that in every case in which he is alleged to have curtailed existing rights he acted under orders received or in accordance with rules accepted as applicable to other parts of the Province. This explanation he was bound to offer in justice to himself, and I trust it may be held he is in no way to blame for changes which were only introduced under the directions of superior authority. He deserves the highest praise, both for the immense pains he has taken in ascertaining and stating the facts and for his loyalty in carrying out views which are occasionally in conflict with his own, formed upon an intimate knowledge of the people and of the locality which is possessed by no other officer in the Province.

16. Mr. Anderson in paragraph 44 gives a *resume* of the methods adopted for the assessment of forest rights in Kulu. It appears to be foreign to the matters under reference though of use as throwing light upon forest rights in Kulu. He next summarizes the past history of the question whether or not the demarcated forests should have been treated as reserves under Chapter II of the Act ; and he shows that in not reserving the demarcated forests he was prohibited by the difficulty of wiping out the rights exercised therein by the people, without which the Government of India were not prepared to take them over. For the disposal of this question there are ample materials on the record.

17. *Appendix X* deals with draft rules under Section 75 (*c*) for the preservation of Government trees on land owned by private individuals (paragraph 52 of the letter under report). The first six are as recommended by the Conference, with modifications in harmony with paragraph 25 of His Honor's second note. Rule 7 forbids the sale of deodars on private property. I think this is quite necessary, and I hope it will be allowed to stand. Rule 8, obliging the Negi to report cutting permits to the Patwari, is made under His Honor's paragraph 25 mentioned above. Under Mr. Anderson's Rule 9, trees of twenty named descriptions standing in lands broken up after the recent settlement may not be cut without the permission of the Assistant Commissioner or Forest Officer. But they may be lopped so as not to interfere with crops, and fallen trees may be removed. On this see paragraph 33 of the Lieutenant-Governor's second note. Of course, if the trees are paid for when the *pata nautor* is sanctioned, no permission to cut will be necessary—see Mr. Anderson's paragraph 53.

No : the draft rules come after Appendix XI.
W. M. Y.

I agree.
W. M. Y.

18. Regarding drift timber (Appendix XI) Mr. Anderson is strongly in favour of maintaining the definition, as to what may be appropriated, of " such size as one man may carry," with the proviso that the timber is not to be cut or sawn with the object of securing this privilege. He gives reasons for preferring this to a measurement limit (paragraph 54 of his letter). It is the rule recognized by the people, and leads to less vexatious interference on the part of the Forest subordinates. The draft notification appears to me to require revision. In exempting all drift timber " within the limits of any reserved or protected forest in the Kulu Sub-division " we are declaring the whole of the Kulu forests free of Government rights under Section 45. Similarly, these forests are declared excluded from the operation of Notification No. 222 F., dated 9th May 1879, issued under the same section. Then comes a paragraph applying the last clause of the exempted section, and describing, not the *class*, but the *amount* of drift timber which may be removed. Mr. Anderson (paragraph 55) says the rules as to drift timber, except actually on the river, have only recently been applied. Mr. Fisher explains that this is because the regulations of 1855 were declared by Mr. O'Brien to be illegal. I think Mr. Anderson's draft notification will have to be re-cast. The rights of the people as to drift timber might perhaps be entered in the record prepared under Section 28 of the Act, the provisions of Section 45 being limited to this extent. Or, the operation of Section 45 might be limited to certain named streams, over which timber can be floated.

19. After writing the above I made an unofficial reference to Mr. Anderson on the subject of his draft notification for drift timber, asking him to state his views more clearly. His reply, which immediately follows, will help His Honor when deciding the matter :— " Practically the reserved and protected forests include all Kulu except fields and occupied

waste, of which there is now a good deal, recorded in the names of individuals. In the protected forests right-holders may remove fallen timber of any size except deodar, walnut, box and ash which they may not touch, however small. That is the position in the protected forests, or say in *all Kulu* except as above, for the reserves are small comparatively. Now Section 45 creates a presumption in favour of Government in three cases, two of which need be referred to for our present purpose :—

"(*a*) *In all drift timber, wherever lying.*

"(*b*) In all unmarked wood or timber within certain areas which has been defined by Notification No. 222 F. to be *all unmarked* timber on the Beas and Sutlej rivers and their tributaries and within five miles of either bank of the Beas and Sutlej.

"Note that the section covers *all* drift timber, wherever lying, and *all* unmarked timber within these areas. Now, the small nalas (perhaps the Forest Department will call them tributaries) are full of fallen wood, not all drift, but part of it has been floated in the rains, and is technically drift. All such timber—useless except for burning—is within the scope of Section 45 as *drift*, or as *unmarked.*

"Again, you have seen the valley and can understand that five miles on each side of the Beas means most of the inhabited portion of the valley and the forest land on which the people are most dependent, and of course many forests, demarcated and undemarcated. Now, Notification No. 222 F. practically declares that no one may remove the smallest piece of fallen wood or timber from all this area, not *drift* timber in this case, but all *unmarked* wood and timber lying anywhere in this area. This means that the people may not remove any fallen wood at all, for drift and unmarked wood and timber cover everything.

"It was never intended that Section 45 should be used in this way, and it never was applied, except to the river, until quite recently. Its extended use was in my opinion unjustifiable, though perhaps legally correct, but even of the legality I am not sure. Many complaints were made to the Lieutenant-Governor about fallen timber being sold by the Forest Officer, and the people also spoke to me on the subject. The conflict between the drift and unmarked timber rules and the record leads to absurd results, *e.g.*, a right-holder may cut a green oak or a standing dry pine, but if it falls down, he may not touch it unless it is so small that he can carry it away. These rules and notifications were never intended to apply except to actual *drift* timber on the river and its main tributaries, such as the Parbati, Sainj, &c. No doubt the rules of 1855 did not apply according to the recent ruling of the Chief Court, but that did not justify the use of this notification to protect *fallen* wood and not standing trees. Such a change of policy should have been reported, and I am not aware that it was. It was only when I came to make the final draft that I saw how matters stood, and what was required to put things right. The new notifications or rules must be framed in a way that will prevent any clashing between rights under the record and rights under the drift timber rules, and these rules must be confined to a much smaller area.

"Heretofore the people have not removed from the river, and probably not from its main tributaries, Parbati, Sainj, Tirthin, &c., any timber except what one man could carry, and never deodar. I am willing to maintain this custom if I can see how to do it without causing utter confusion over all Kulu. The Forest Department wants to protect only its deodar. The river and its tributaries are (being Government property) in protected forests, and right-holders may not remove any deodar, however small a piece, from any such forest. Thus, without the use of Section 45, deodar is protected. The Forest Department has only to mark other kinds of timber in the river if it wishes them to be considered its special property, and it would not then be removed even by right-holders. But I admit that marks can be obliterated; and I am not opposed to preventing the use of the axe on the river, as I have shown in my report. This can be done (1) by excluding the river and its tributaries from the protected forests, for so long as they are in the protected forests the rules and record must apply, or (2) it might be possible to put into the *record* a condition that the people had no right to fallen timber lying within high-water or flood level of the—

"Beas, up to a certain point,

"Sutlej, within the sub-division,

"Sainj, up to a certain point,

"Parbati, up to a certain point, &c.,

except to pieces of such a size that one man could carry them away, and then a rule could be made under Section 31 that '(fallen) timber lying within flood level of the—

Beas, up to a point (mentioned in the rule) &c. . . . .

may not be cut or removed without the permission of the Forest Officer, provided that nothing in this rule shall prevent the removal of pieces of such size that they can be carried by one man, and have not been cut up in order to reduce them to this size.'

"If this rule can be called *regulation* of an existing right, there need be no special entry in the record. If an entry is made in the record, it can practically never be changed, but a rule can be changed.

"Then have as before the two first notifications drafted by me, which must under any circumstances be issued, for we must exclude from the operation of Section 45 all drift timber in the forests declared protected and also all unmarked timber in these forests. This does not take away any right that Government has in such timber. The rules for protected forests would apply to such fallen timber and would sufficiently protect all Government rights. Without these notifications the Forest Department are justified in preventing the removal of all fallen timber from the forest areas to which Notification No. 222 F. applies, unless and until the person wishing to remove it establishes his right. Perhaps if he is a right-holder under the Protected Forest Record, that fact would be sufficient proof; but the forest guard and every Forest official could interfere and for a time prevent the removal of a bit of rotting oak or kail. I say COULD interfere, not necessarily WOULD; but as I have shown, the notification has already been used in a manner it should not have been.

"I have suggested that the river and its tributaries might be excluded from the protected forests, but this will not do. For in that case it would be impossible to protect the standing trees on the river bank, which are of much more importance than the drift timber.

"If there is to be no clash between the rules under Section 31 and the drift and unmarked timber rules we must—

"(*a*) remove the protected forests from the operation of the drift and unmarked timber notifications, letting the rules for protected forests stand as they are; or

"(*b*) make rules under Section 31 for such parts of the protected forest as would come under the drift and unmarked timber rules, and then exclude the operation of the drift and unmarked timber rules.

"It would be useless and confusing to have two sets of rules—one under Section 31 and one under Section 45 or 51—even though both sets were identical.

"If (*a*) is sufficient, it is the easiest and simplest, and it is what I have proposed. The Protected Forest Rules prevent the removal of all deodar, walnut, box and ash, however small. The Lieutenant-Governor and Colonel Wace and Fanshawe's rules would allow small pieces of deodar to be removed from the river. My proposal then is harder on the people, so far as these four kinds of timber are concerned. On the other hand—and this is the objection—the Protected Forest Rules allow the removal of fallen timber of all other kinds without consideration of size, and do not prevent the use of the axe on the river bank.

"As to (*b*) I have no serious objection. Perhaps the rule I have roughly drafted above might be considered as *regulation* of the right of the people to fallen timber and might be framed under Section 31 without any corresponding entry in the record of rights. The rule would be in accordance with past custom and on that ground justifiable. Note that it applies to *fallen timber* within high water level, and that covers both drift and unmarked timber. To be strictly correct, the word *fallen* should not be used, as timber means fallen and felled trees. It would be necessary to give the streams, and the points up to which, from the river, the rule would apply. We could not allow a rule that all timber in all streams or nalas could not be removed without permission, nor would it do to say simply that all timber on the Beas, Tirthin, Sainj, Fojlate, &c., could not be removed. It is necessary to define accurately the limits within which the rule would apply. I have myself no objection to such a rule; but the necessity for it depends on the extent to which the Forest Department wishes to protect drift timber other than deodar. But as I have shown the two first notifications drafted must issue.

"You ask how can my (*a*) and (*b*) stand if Section 45 does not apply to protected and reserved forests. There are fields and occupied waste close to the river upon which drift timber is often stranded. Notification No. 222·F. would apply to these areas, though not to the reserved and protected forests. And thus the whole of Appendix XI must, in my opinion, stand, unless the Forest Department gives up drift timber on fields, &c., and cancels Notification No. 222 F. in Kulu.

"In your pencil note you refer to *drift* timber only; it is necessary to provide also for *unmarked* timber within the five-mile limit. It is not a matter of streams only, and this shows that there must be a notification limiting the operation of Notification No. 222 F. I also want the operation of Section 45 limited to certain *streams*, and am ready to accept any legal arrangement for doing so. I do not think we should make a rule under Section 31 and then limit its operation by a rule under Section 45 or 51: the rules under Section 31 should be complete in themselves, and the notifications under Section 45, and rules under Section 51, complete in themselves.

"The result at present seems to me to be—make a rule for the protected forests similar to the one I have drafted (if it is necessary) and let my Appendix XI stand."

No. 1427, dated 21st September 1894.

From—A. ANDERSON, Esquire, Deputy Commissioner, Kángra,

To—The Commissioner and Superintendent, Jullundur Division.

Commissioner's endorsement No. $\frac{1004\text{-I}}{\text{III}}$, dated 30th March 1894, and enclosures.

I HAVE the honor to submit the notifications and records for the protected forests of Kulu amended in accordance with the orders of His Honor the Lieutenant-Governor passed in his two notes, dated 2nd September 1893 and 9th January 1894, and in doing so I follow the order of the appendices in my original report.

Reserved forests.

See covering letter. W. M. Y.

2. The reserved forests have been gazetted, and the procedure laid down in Section 20 of the Act has been carried out, and no change in the boundaries of these reserves is proposed, but the notification may require to be re-issued giving the existing boundaries in more detail, and this can be done at any time.

Notifications for protected forests.

3. The Appendices II and III, giving the draft notifications constituting 1st class and 2nd class protected forests, stand as before, with some changes in the descriptions of the boundaries to make these descriptions agree more closely with the actual boundaries. There have been no changes in these boundaries, and it is not at present proposed either to extend or to reduce the area now demarcated (see paragraph 16 of His Honor's 2nd note). The new descriptions of boundaries will follow soon.

W. M. Y.

4. The change made in Appendix IV, draft notification constituting the undemarcated protected forests, is in accordance with paragraph 24 of His Honor's 2nd note.

Reserved trees.

5. Appendix V, being the draft notification declaring twenty kinds of trees to be reserved in accordance with Section 29 (*a*) of the Forest Act, has been left as it was originally drafted, as the Lieutenant-Governor and the Conference did not propose any changes. Colonel Wace suggested, with the approval of Mr. Hill, Conservator of Forests, and of myself, that cypress, shisham olive, chestnut, kirk, mulberry, kakaran and poplar should be struck out of the list, and he would also have struck out alder which we both wished to reserve. Sir James Lyall would have retained as reserved trees not only alder, but also cypress and shisham, and would have struck out only six. I do not think that the forests would suffer much if olive, mulberry, kakaran and poplar were not reserved, but there would also not be much gain to the people, for these trees are mostly of value only for fodder, and, reserved or unreserved, that right is fully provided for. This is the case also with khanor and kirk, and the former (chestnut) is also a source of food-supply, drawn upon in all years, but to a very large extent in years of scarcity, and it should be preserved from indiscriminate felling. On the whole then I recommend that the list be allowed to stand as at first prepared.

I agree. W. M. Y.

Prohibitions in protected forests.

5 A. In accordance with paragraph 37 of the 2nd note, the burning of lime and charcoal in the demarcated forests is now to be allowed under special permit, and a rule (No. 23) has been drafted to provide for this, and as these acts are not now absolutely forbidden, they have been struck out of the draft notification of prohibitions under Section 29 (*c*), (Appendix VI), which now prohibits only the clearing of waste land for cultivation in 1st and 2nd class demarcated forests. As the only difference between the 1st and the 2nd class forests in this respect was the burning of lime and charcoal, and as that prohibition has been removed from the 1st class forests, the same notification (Appendix VI Revised) now covers all the demarcated forests.

See covering letter. W. M. Y.

6. As soon as the notifications constituting the protected forests have been issued, a notification declaring certain areas closed under Section 29 (*b*) will also be issued. As some areas have been closed since 1886, Appendix VIII of my report will hereafter be revised and submitted.

Closed areas.

See covering letter—W. M. Y.

7. The whole form of Appendix IX has been changed, and the rules made quite independent of the record of rights, and in the following paragraphs I explain the relation of the rules to the record, and the changes now proposed in the rules as drafted by the Conference.

Rules.

8. Sir James Lyall in paragraph 38 of his note on the Kangra Forests pointed out that my record was prepared with reference to the opinion of the Government Advocate, Mr. Henderson, dated 24th July 1885, on the draft rules for the Shahpur-Kandi Forests, and the orders passed thereon in Secretary's No. 401, dated 12th September 1885 (see paragraph 186 of the original report), and he was also inclined to hold that the Government Advocate's opinion of the power which the Government has under Section 31 was too narrow, but the opinion was sent to me to be acted upon, and the final form of the record and of the rules was based directly upon that opinion. Had my old record alone been concerned, it would have been useless to discuss here the legality of certain rules under Section 31, but the question must again come up with regard to the new record and the new rules, for some of the rules are *ultra vires* if the Government Advocate's opinion is correct.

Reasons for form of record.

9. The Government Advocate wrote—

"The exercise of these rights may be regulated by these rules, but nothing in the whole chapter is to be deemed (Section 33) to prohibit any act done......... in the exercise of any right recorded under Section 28........ It is clear that nothing prohibited or prohibitable by such rules (under Section) 31 shall be deemed to affect the exercise of the aforesaid rights. In other words, it is not competent to the Local Government to prohibit ....the exercise of those rights by rules under Section 31. Any such prohibition must be by notification under Section 29. In so far then as anything in these rules empowers the Forest Officer to withhold permission for the due exercise of the rights recorded under Section 28, I consider them entirely *ultra vires*." He held that it was *ultra vires* of the Local Government to make a rule that a right-holder should apply to the Forest Officer for a permit to remove forest produce, and if this is correct, then the Conference Rule 5, prohibiting the removal of reserved trees by right-holders except with permission (or with a permit, for both terms have here the same meaning), is illegal, though it has been accepted. In the light of the recent discussions I believe that the Government Advocate would not hold such a rule to be *ultra vires*, but at the time when the opinion was given it seemed to me and to others that no limitation or restriction, *even though it amounted only to regulation*, could find a place in the rules unless it already appeared in the record. Colonel Wace wrote of my old rules that "they depended of course for their validity on the corresponding entries in the record of rights." Again, in the Murree and Kahuta Forest Settlement, which was made at the same time as the Kulu Settlement and under circumstances very similar, the record of rights contains the restrictions that trees are not to be lopped to more than two-thirds of their height nor if their height is less than 10 haths, and further that trees for building would ordinarily be given only once in five years. I quote this to show that my record was prepared in accordance with the procedure prevailing at the time, and that but for the delay in passing orders upon it, it would have been accepted. A specimen had been submitted to Government, containing most if not all the restrictions which are in the final record, and no objection was taken by Mr. Lyall or any other until long after the report was submitted. In the light of recent criticism, I admit that in imposing or in strictly defining restrictions I perhaps went too far; but of one thing I am certain still, after visiting Kulu and hearing the people, as I was certain ten years ago, that if the people get all that my record intended they should get they will have no just cause for complaint.

10. The Government Advocate expressed the opinion that limitations on rights must be imposed by notification under Section 29 and not by rule under Section 31, but even such a notification, except as regards any closed portion of a forest, cannot prohibit any act done in the exercise of any right recorded under Section 28 (Section 33). In Murree and Kahuta Settlement a notification was issued under Section 29 (*c*) prohibiting the collection and removal of any forest produce, and the rules were made providing for collection and removal of such produce in the exercise of admitted rights. But such a course as this, while open to other objections, is similar to the procedure in Conference Rule 4, and His Honor's objections to that rule apply also to a general prohibition of the collection and removal of all forest produce. Admitting that the prohibition was not intended to apply to right-holders in so far as under the rules they are allowed to exercise their rights, still it must be taken to prohibit all acts not allowed by the rules (even though done in the exercise of rights) and the prohibition *pro tanto* would be null and void; whereas the principle on which the Kulu rules are being prepared is that whatever is not forbidden is allowed, and the exercise of rights is to be facilitated and unnecessary or vexatious interference with the people is to be prevented. In my opinion no general prohibition under Section 29 (*c*) should be issued in the case of the Kulu forests, for such a prohibition can be enforced only in so far as it is consistent with the record of rights, and in Kulu, with the exception of the prohibition of extension of cultivation, it would not apply to any but non-right-holders. A special rule, such as that kail trees may not be lopped more than half their height, or prohibiting lopping at certain times, might be made under Section 29 (*c*), but it would be valid only if it did not limit the exercise of the right to an extent beyond what may be called regulation of the right, and, if the limitation amounts only to regulation, a rule to the same effect can be made under Section 31. The rules and the prohibitions are valid only in so far as they do not touch the substance of the right, and by that I mean do not absolutely prevent any act done in the exercise of a recorded right; and so long as that condition is complied with, it makes little or no difference under which section we proceed. The rules now drafted are made under Section 31, and no prohibitions are proposed except the prohibition of new cultivation in the demarcated forests.

Prohibitions under Section 29.

11. *Rules* 1-2.—In the second rule attention is drawn to the fact that some of the rules apply equally to all forests while others are limited to certain classes. This may scarcely be necessary, but if it is considered quite superfluous it may be struck out.

Rules 1-3.

Let it stand. W. M. Y.

Rule 3.—The word cattle has been defined with direct reference to the definition in the Forest Act. Of the two definitions given I prefer the first, but both are practically the same. It has been objected that this definition will permit horses, asses and mules belonging to right-holders to be grazed, and that, that was not the intention of the original record. In preparing that record I did mention certain forests or rather bare plains above the forests where hill ponies are taken to graze, *e. g.*, the Rawali-Khor Teli above Jagatsukh, but I did not specially record the right of the people to turn their ponies out to graze in the other forests. The question of right has, however, been raised (*vide* end of paragraph 35 of His Honor's 2nd note), and, as it certainly exists, the term cattle has now been defined to include horses, asses and mules, as well as horned cattle (not being buffaloes), sheep and goats.

I prefer the second. But see note on Commrs. para. 6. W. M. Y.

Right. W. M. Y.

The rights were declared to be appendant to "cultivated land paying revenue or assessed to revenue." A definition has been given of this term according to which the owner of land recorded in his name as waste at the settlement, but upon which no revenue was distributed in the bachh, is entitled to the rights, provided such land has been broken up. He has as good a right as a man who has got a patta-nautor since the settlement, and it has been all along understood by me that the permission to break up Government waste carried with it all the forest rights of other agriculturists in the hamlet. If forest rights are not conferred along with the right to bring waste under cultivation, then all extension of cultivation should be stopped, for no one can cultivate land without having forest rights. Grazing, manure, and agricultural implements are absolute

I agree. W. M. Y.

necessaries. No doubt it is true that no customary right to forest produce exists in respect of any piece of nautor; and in the interests of forest conservancy we may refuse to allow waste to be broken up, but having allowed it, we must, in my opinion, confer the forest rights along with the patta-nautor (see paragraph 4 of orders of Government on Kulu Assessment Report as to right to break up waste). Having regard to the intricate nature of the demarcation in many places, I doubt if it would be possible to confine rights appendant to nautor to the un-demarcated areas, or to enforce such a restriction if it was made a condition of the grant of patta-nautor. The words "liable to assessment" are put in to exclude land held in fee simple to which no rights are appendant, and there is in Kulu some such land. W. M. Y.

12. *Rule* 4.—The Lieutenant-Governor has not in his notes objected to Rule 4, but it may perhaps be regarded as surplusage. It was taken from the draft rules for the Shahpur-Kandi Forests, and had the approval of Mr. Lyall and of the Punjab Government. At that time the orders of Government defining the responsibilities of Collectors in regard to forests and the relations of Forest Officers to the Collector (see Revenue Circular No. 56) had not been issued. The circumstances have altered since the Kulu Rules were first drafted, and, though the rule now under consideration was at the time necessary, it may now be struck out. It has been left in the present draft merely because the Conference thought right to retain it in its draft. It may be omitted. W. M. Y.

13. *Rule* 5, declaring that the protected forests may be made reserves, has been allowed to stand for the reasons given in paragraph 17 of His Honor's 2nd note, and these are the very reasons that induced me to frame the rule in the first instance. It must be remembered that a notification was issued in 1880 declaring the intention of Government to reserve all the Kulu forests under Chapter II, that this notification was deliberately cancelled, that the Government of India ordered further investigation, which resulted in Dr. Schlich's Report, dated 10th December 1882, in which he suggested there should be two classes of reserves under the rules of 1855,—1st class reserves which would be practically free of rights, and 2nd class reserves burdened with rights; and one of his rules was that the Government might at any time transfer any portion of the 2nd class reserves to the 1st class. Under the orders of the Government of India these 1st class forests became reserves under Chapter II and the 2nd class became protected forests, and the rule with necessary alterations was continued. Long before my record and rules were framed, the people believed that reserves meant forests free of rights, and, considering the action of the Forest Department, it was a most natural belief. They knew of the discussions that had gone on for years; they saw the efforts of the Forest Officers to exclude and to restrict rights. They saw certain areas made reserves, and knew that for the most part there were no rights in them. They were told by me that the Government might under certain conditions make other forests reserves. Having regard to the discussions that had taken place, I thought at the time and still think that silence would have been misconstrued, and I therefore not only explained the matter to the people, but continued the rule which had already been drafted by the head of the Forest Department. Let it stand. W. M. Y.

14. *Rule* 4 of the Conference Draft, which made penal any act not allowed by the record of rights, has been omitted, and, in accordance with paragraph 11 of His Honor's 2nd note, only the acts for which a penalty is considered necessary are now prohibited by the rules, and whatever is not prohibited is allowed so far as the Government is concerned, notwithstanding anything in the record of rights to the contrary. The rules are now complete in themselves, and no reference is necessary in them to a general explanation of rights.

Grazing of buffaloes.

15. *Rule* 6 relates to the grazing of buffaloes only and is in accordance with paragraph 35 of the 2nd note. The Forest Officer may allow plough as well as milch-buffaloes to graze. I believe that near Bajaura buffaloes are used for agricultural purposes. The proviso in my draft is added to protect the people who have been accustomed to exercise rights over the waste. As the grazing of buffaloes is an innovation and is a pure privilege, it should not be allowed if the right-

holders are opposed to it on good grounds, and shepherds certainly object very strongly to buffaloes. So far as the grazing in undemarcated forests is concerned, all proprietors and agricultural tenants in Kulu are recorded right-holders as against Government, but in practice the Forest Officer would consider the objections only of those who have been accustomed to graze on the waste land where it is proposed to allow buffaloes. I may note that the Forest Officer may give permission only to revenue-payers and their tenants, and not to nomadic Gujars; and should any Gujar acquire a piece of land merely as a qualification under this rule, the Forest Officer will exercise a wise discretion in refusing permission, even though the people do not object. It has been suggested that the proviso should run "permission may not be given" instead of "shall not be given;" but I prefer the latter. If the objections are reasonable and sufficient, the Forest Officer should have no option.

I agree. W. M. Y.

Grazing.

16. It was held that grazing in 1st class forests should be restricted to the right-holders, and this is provided for in Rule 7 (1). There is no reference to conditions and limitations, as the right can be exercised only as admitted and that implies the conditions and limitations. As explained elsewhere, the limitations in time (see Conference Rule 11) have now been excluded from the record. The condition that cattle, sheep and goats kept for purely pastoral purposes may not be grazed remains, but it will be seen from paragraph 9 of the Conference Note that it was not considered necessary to enforce this limitation in the case of horned cattle (cows, bullocks), and this has been provided for in the rule. It may be said that there was no necessity for referring to this subject in the rule, but without this reference a man who happens to have more cows and bullocks than he requires for his own use might have been prevented from grazing them, and this had to be arranged for in the case of cows and bullocks as well as of sheep and goats.

His Honor laid down in paragraph 30 of his 2nd note that we need not impose any restrictions on grazing in 2nd class and undemarcated forests, whatever the record of rights might be. It was understood that the people would arrange the grazing among themselves, and, provided the right-holders, did not object, we were not to interfere. I understand that the promiscuous grazing to be allowed in these forests is to be restricted to proprietors of cultivated land in Kulu and their agricultural tenants, and not to extend to Gaddis, Gjuars and other outsiders, and I also understand that these proprietors and tenants are, in regard to those forests in which they are not right-holders, to be subject to the general conditions imposed upon right-holders in respect of pasture; and the second clause of this rule has been framed accordingly. But in the first draft of this clause it will be noticed that no provision has been made for the recorded right-holders in 2nd class to object to the grazing of non-right-holders, and His Honor intended that they should have an opportunity of objecting, but I am not sure whether in cases of such objection the District Officers are to enforce the record and set in motion the penal provisions of the Forest Act for breaches of a rule, at the option of one or more of the right-holders, or whether we are to stand aside and allow the right-holders to fight their own battle in Civil Courts, if necessary. As will be explained below, we must stand aside in the case of the undemarcated forests, but it is optional whether we enforce the 2nd class forest record or not. In my opinion, if non-right-holders are to be allowed to graze in 2nd class forests, we should not make grazing in these forests an offence under the Forest Act, even on the objection of the right-holders. The parties concerned have their remedy under the Trespass Act or in the Civil Court, and Forest Officers and others should not be put into a false position by launching prosecutions against trespassers under the Forest Rules, which will probably be withdrawn in consequence of right-holders and trespassers coming to terms for a consideration. The first draft of Rule 7 is framed on the understanding that we are not to interfere, and the second draft on the understanding that we are to interfere.

But in my opinion this concession of promiscuous grazing in 2nd class forests is in reality no advantage to the people. The Negis and others, to whom I have explained the proposal, have strongly objected to it, at least all those who have sheep and goats and have grazing rights recorded in 2nd class

forests. The valuable sheep runs are almost all in these forests, and during the Forest Settlement the only disputes of importance were in regard to the rights in such runs. I anticipate that in kothis with good grazing the sheep of non-right-holders will be taken into the runs on payment of some consideration, and grazing will thus be practically leased out, though the people have no right to do so (Lyall's Settlement Report, paragraph 102). The rights of one kothi in the 2nd class forests of another have been recorded, and, if any such rights have been omitted, the record can be corrected. In the case of outsiders, who have not, and do not claim, any rights, the right-holders will at once object unless they are paid, and this sale of rights should certainly not be allowed. The intelligent zamindars said to me that they wished the record adhered to: one Negi who at first advocated the contrary was silenced by the others. Again, if the parties do go to law, and the trespassers plead that the land belongs to Government, and that Government does not object to their grazing, I could well imagine that the Civil Court would decide against the plaintiffs, especially if it could be shown, as in some cases it might, that there was sufficient grazing for all. The record should, in my opinion, be enforced, not in the interests of the forests so much as of the people; and if the executive order now in force that no prosecution for illicit grazing may be instituted without the sanction of the Assistant Commissioner there should be no hardship caused.

The record for undemarcated forests in regard to grazing is that proprietors and tenants may, as against the Government, graze anywhere, and, if any dispute arises, the parties must go to law. This is inevitable; but disputes are not likely to be numerous, as horned cattle cannot be driven far from their usual haunts, and for sheep and goats, which can go long distances, there is not much valuable grazing in these low forests, for almost all the higher wastes are within the demarcated forests. In the case of these undemarcated forests we cannot listen to objections as we may in the case of 2nd class forests, and thus in the drafts of the rule it is no offence for any proprietor or tenant of cultivated land in Kulu to graze in them.

If it is decided that the concession proposed in regard to the 2nd class forests is inexpedient and is not granted, then the rule will stand as in the third draft, which prohibits grazing except in accordance with the record of rights.

I prefer this. W. M Y.

To prevent hardship from the record prohibiting grazing except for agricultural and domestic requirements, a proviso has been added to this rule in accordance with the last clause of paragraph 22 of the 2nd note that the record shall not prevent the right-holders from grazing a number of sheep and goats, *bona fide* their own property, not more than 30 per cent. in excess of the number they possessed at the last assessment of the revenue. To prevent a misunderstanding, which has already arisen, it is necesary to note that this proviso does not fix the maximum number of sheep and goats which any right-holder may graze. Every proprietor of cultivated land is entitled to keep sheep and goats for agricultural and domestic purposes, and even though he happened not to have a single sheep in 1890, the proviso made by His Honor would not take his right away. The rule merely says that though a right-holder has only 30 per cent. more sheep and goats than he had in 1890, still it is not to be presumed that he is keeping them for pastoral purposes; but if he has more than this number, it would become necessary to enquire whether he required so many for agricultural and domestic purposes, and if he did require them we could not prevent his grazing them. The maximum number any right-holder can graze under the rule is 30 per cent. more than he held in the enumeration made at the Revenue Settlement, or the number he is entitled to graze for agricultural and domestic purposes, whichever is greater. It is therefore impossible to punish a right-holder for merely having more sheep and goats than 30 per cent. in excess of what he had at the enumeration.

Grazing of Gaddi shepherds.

17. *Rule* 8.—The general record in regard to the Gaddis (see paragraph 13 of Rights and Conditions in Undemarcated Forests, and paragraphs 171—177 of the Report) was that they could not bring their flocks into the Kulu Forests before 15th Jait, nor remain in them after 20th Assauj, and had in Kulu only a right of way, and this was the rule proposed by me, see Appendix IX.

The subject was not touched upon in the Lieutenant-Governor's two notes, nor was any mention made of it in the recorded proceedings of the Conference. The Gaddis are not right-holders in any sense except as having a right of way, and none of the rules framed by the Conference apply to them except Rule 4, which prohibits acts not done in the exercise of rights. This rule has been struck out, and it is necessary to regulate by a rule any grazing that may be allowed to the Gaddis in the protected forests, which practically include all the waste. It has been suggested that no rule is necessary; but under Rule 7 the Gaddis, not being proprietors of cultivated land nor tenants, might be prevented from grazing their flocks even on their way through the undemarcated forests, and this would practically take away their right of way.

The first clause of the rule now proposed provides for the passage through Kulu to Lahul and the return to Kangra, and the dates are quite in accordance with the prevailing customs, and in ordinary years can cause no hardship. But in some years it is not possible to cross the passes into Lahul in the end of Har, and the Assistant Commissioner has therefore been empowered to extend the period when he thinks it necessary to do so. The second part of the rule has been suggested by Mr. Fisher, Forest Officer, who considers it necessary so as to prevent the Gaddis loitering in the forests. They can easily do 5 miles a day, and it will rarely be necessary to enforce the rule, but it is convenient to have such a rule. In Barsai, Jagatsukh and Monali they are allowed to spend some time (see paragraphs 174 and 175 of my Report), but the orders passed by me at the enquiry amount to permission in writing (Section 33), and the rule now framed will not prevent them remaining in these kothis for the periods fixed, though in excess of the times laid down in the rule.

I would add the words 'without the permission of the Assistant Commissioner in writing" before the 2nd clause of rule 8.
W. M. Y.

Sir James Lyall wrote that the Gaddi shepherds complained very keenly of all these arrangements as so hard and fast as to be extremely harassing, but that they might be necessary. They had, however, admitted to me that if dates must be fixed, those fixed by me were the most suitable for them. They want to be allowed to remain much longer in Kulu, but it is admitted on all hands that they have only a right of way, and the arrangements made are as favourable to them as they could expect.

Fallen leaves.

18. *Rule* 9.—The Conference made a rule prohibiting the removal of fallen leaves for manure only in the case of 1st class forests, and in this I have followed them. It is not likely that any but right-holders will ever remove suhr from the 2nd class forests, but should it at any time be found necessary to prevent others than right-holders from taking fallen leaves, the rule may easily be extended to 2nd class forests. The record now contains no limit of time for the exercise of this right, and it is not intended to impose any limit by rule (see paragraph 15 of His Honor's 2nd note).

I would limit it to right-holders.
W. M. Y.

Felling of trees.

19.—*Rule* 10 (first draft) is necessary to prevent those who have no rights whatsoever from cutting, lopping or otherwise injuring trees, both reserved and unreserved, for Conference Rule 4, which prohibited all acts not covered by the record, has now been cancelled. In this rule and elsewhere both terms "timber" and "trees" have been used so as to include fallen and felled trees and to prevent any doubt that might arise from the use of the single term "tree." This first draft allows no concession : it enforces the record. But in paragraph 7 of Appendix IX as revised by the Conference it was proposed that any right-holder should be allowed to remove from all protected forests certain kinds of forest produce including all unreserved trees, and it has been ascertained that the word *right-holder* used in that paragraph was intended to mean not right-holders specially recorded as having rights in any particular forest, but "all proprietors of land and their agricultural tenants," as in paragraph 4 of the same Appendix, and it was the intention of the Conference that as against the Government every proprietor and tenant should be recorded as having a right to cut all unreserved trees in every demarcated as well as undemarcated forest of Kulu, though such a right had never been acquired or exercised. To this proposal His Honor agreed (*vide* paragraph 13 of his 2nd note) on the understanding that the minor forest produce was to be allowed in the detailed record of each forest to the person entitled to it. This however was not the intention of the Conference, and the doubt was

removed by His Honor's order dated 4th June 1894 to the effect that the rights in the demarcated forests were to stand recorded in accordance with the truth of the case, as had already been done, and that any concessions we might choose to make should be granted in framing the notifications and rules. The question now arises what concessions are to be given.

The concession proposed by the Conference related to the removal of (1) grass, (2) medicinal roots, (3) fruits and flowers, (4) wild honey as well as to nirgal (bamboos) and unreserved trees. It is not proposed to make any rule prohibiting the removal of the first four kinds of forest produce, and if as recommended in paragraph 10 no general prohibition of the collection and removal of forest produce is issued, then so far as the Government is concerned any one may remove forest produce of these four kinds from any forest demarcated or undemarcated, without regard to the record of rights, and to this extent the concession proposed by the Conference is provided for. But there remains the question whether any proprietor and tenant, even though not right-holders, should be allowed to take trees of these unreserved kinds (and "tree" includes nirgal (bamboos), from 1st and 2nd class demarcated forests. In the record of rights for undemarcated forests this right has been admitted to all proprietors of cultivated land and their agricultural tenants, because of the difficulty of preparing a record in detail of all the people who have been accustomed to take unreserved trees from the numerous scattered patches of undemarcated jungle. The case is, however, different with the demarcated forests, especially the low-lying kail and deodar forests near villages, and for these a record has been prepared, and there is no reason why it should not be adhered to. Perhaps the Forest Department or some of its officers may not think it of any great importance to prevent the felling of the unreserved trees, but in the interests of the people themselves we should preserve as far as we can the brushwood and deciduous trees, which though of no use as timber are absolutely necessary to the welfare of the people. We should also guard against any risk of denudation, and to allow any one, whether right-holder or not, to cut the unreserved trees is practically giving away a right which we would on the Hoshiarpur Siwáliks recover at almost any price. It will be said that the rule can be cancelled and the concession withdrawn. That is true, but in practice it is very difficult to withdraw concessions, the perpetual enjoyment of which the people soon come to expect. This Forest Settlement shows how much opposition may be made to even a moderate regulation of forest rights. We cannot fully protect the undemarcated waste, but it is surely unwise to allow and even encourage denudation of the demarcated forests by conferring privileges on those who have no claim whatsoever. In marching through Kulu during last August, when the rains were unusually heavy, I saw many landslips and all of them in places where the hill sides were bare. The concession was to be made by the Conference "only as against the Government," but it is difficult to see how the right-holders can hold their own in a court of law against outsiders. When the Civil Court is told that the soil belongs to Government, and that the trees also belong to Government, and that Government has declared that any one may cut them, it may be safely said that some of the Civil Courts will decide against the recorded right-holders. But as a fact none of the right-holders will object, and the forest will be denuded, and the damage done before we know of it.

The first draft of Rule 10 was prepared on the understanding that the record will be adhered to and no concession allowed, and this is my recommendation. The second draft provides in the proviso that all proprietors and their tenants may cut and remove all the unreserved trees, including bamboos, whether they are right-holders or not. This was the extent of the concession proposed by the Conference; but I have gone farther and recommend that if any one and every one is allowed to cut green maples, oaks, cherry trees and many other trees, they may also be allowed to cut stumps and remove fallen pieces of kail and other trees. This further concession is recommended merely to maintain the consistency of the rules. The Conference allowed the removal without permission of dry fallen timber and of stumps (*vide* Rule 5 (4)), but only by right-holders (*vide* Rule 4), and thus while a non-right-holder could cut a green oak, he could not cut a kelo stump nor remove a bit of kail. But there is in my opinion no sufficient reason why either of these concessions should be made. All residents

who are non-agriculturists may take dry wood and all proprietors and tenants may cut the unreserved trees in the undemarcated forests and also fallen trees with a few exceptions and stumps of the reserved kinds in their kothis. This is all they can possibly require, and I therefore recommend that the record of rights be adhered to, and that the first draft of Rule 10 be accepted.

I agree
W. M. Y.

20. This Rule 11 is almost identical with Conference Rule 5, which was accepted by the Lieutenant-Governor on the understanding that wherever it deviated from my rules, it was more favourable to the zamindars (see paragraph 10 of the 2nd note). As a fact, however, some of the changes proposed by the Conference would prevent the exercise of rights admitted in my record and provided for in my rules, and in such cases the old rule has now been reinstated. The clauses have also been re-arranged.

Felling, &c., of reserved trees

In the Conference rule, the olive (kahu) has been included in the 1st class of reserved trees, with the result that it could not be lopped for fodder without permission. I am informed that this was done in the belief that it was not lopped for that purpose or only to a very slight extent, and that the exercise of the right might be prevented, or at least regulated by making the Forest Officer's permit necessary. But in reality the olive is lopped to a considerable extent and is especially mentioned in paragraph 150 of the Report as being lopped for fodder, and in my record a right to lop olive without permission was admitted and was provided for in the old rules. This misunderstanding has been admitted, and olive has now been put into the 2nd class, and may be lopped without permission.

W. M. Y.

In the record of rights there is now no reference to any price or charge of the exercise of any right, and all reference of this nature to the assessment of the rights to land revenue has also been omitted. Under His Honor's orders, given in paragraph 11 of his 2nd note, Conference Rule 6 has also been excluded from the new rules. The clause in Rule 11 requiring the payment of the revenue or royalty assessed on certain kinds of trees prior to the grant of a permit is inserted in accordance with paragraph 38 of His Honor's note on the Kangra Forests. It is convenient to have some reference to the fact that the right to trees of certain kinds must be paid for when exercised, and this is the only reference either in the rules or in the record.

21. The Conference proviso to its Rule 5 was simply to the effect that "no permission was necessary" to certain acts. Taken in connection with its Rule 4, I presume that this meant that no permission was necessary for right-holders exercising rights admitted to them in certain forests; but the Assistant Commissioner of Kulu who was present at the Conference has informed me that the acts referred to in the provisos were not to be considered offences by whomsoever done. But I doubt if it was really intended that green trees of the reserved kinds could be cut and lopped by those who had no rights whatsoever, for instance, by travellers or non-agriculturists. In the new draft it is clearly entered that no permit is necessary to the acts mentioned when done in the exercise of a recorded right. Perhaps this was not necessary with regard to Rule 10, but if it was not, still a repetition of the limitation will prevent any misunderstanding such as has arisen in the case of the Conference rule. If the concessions referred to in paragaaph 19 of the report and provided for in the second draft of Rule 10, are granted, then it will be necessary to draft this proviso as under: "provided that no permit is necessary to the following acts when done in the exercise of a recorded right or in accordance with the proviso to Rule 10." This will then cover the case of non-right-holders cutting stumps and removing fallen timber of the reserved kinds.

I agree, ommitting the words underlined. See marginal note on para. 19.
W. M. Y.

22. The 4th proviso to the Conference rule allowed the removal of *dry* fallen timber except deodar, walnut, box and ash but my record allowed the removal of all *wood lying on the ground*, except deodár, walnut, box and ash. The people appealed to my record and complained that they were prevented from taking fallen trees, if not quite dry. The Conference Rule has accordingly been changed, and the new draft allows the removal of fallen trees, whether dry or green, and is in accordance with the record of rights.

W. M. Y.

The proviso to Rule (2) (*b*) is added in accordance with paragraph 34 of His Honor's 2nd note, and the Assistant Commissioner has been given authority to determine when the Negi shall cease to give permits. The last clause which prohibits the removal without a permit of fallen and dry standing trees from burned areas is necessary as a means of preventing the people profiting from the damage done by a fire. Their right extends only to timber and trees that have fallen or dried from natural causes, and this restriction is not a limitation of their right, and is not *ultra vires* on that ground. The clause, which will, I hope, be sanctioned, will be useful in preventing fires.

W. M. Y.

W. M. Y.

By the second proviso to the Conference rule, all reserved trees of the 2nd class could be lopped for fodder and for manure without restriction as to height and girth, but by the third proviso these same trees could be lopped for charcoal only under the same restrictions as apply to kail, rai and tos. This seemed an unnecessary refinement, and the Forest Officer has agreed that, as for manure and fodder so also for charcoal, no limitations on lopping need be imposed, and this is now provided for in my proviso (4). The elm is lopped not only for fodder, but for the bark of the branches which is made into ropes; hence I have added that the second class reserved trees may be lopped for "other purposes."

W. M. Y.

W. M. Y.

23. The Conference proviso in regard to the time of lopping trees for manure in 1st class forests has been maintained in the rules, though there is now no limit in the record. It allows the Deputy Commissioner to fix a period of from two to four months in each year, and this regulation is, in my opinion, no interference with the substantial exercise of the right. The lopping is almost entirely confined to the rains when the leaves are found most useful for bedding, but, just as with the removal of fallen leaves (suhr), it goes on to some extent all the year round, especially in the higher villages, where, however, the forests are mostly 2nd class, for which there is no limitation in time. The limits on the girth and height of trees are now imposed by the rule, and not by the record, which simply says that trees are lopped, but not to the top. In practice, there is no limit on the size of the trees that are lopped. I have seen trees lopped in Sahraj which were not even a foot in girth. So also only a few of the very topmost branches are left. The restrictions which it is proposed to impose by the rules are necessary, and though it is impossible to say they will not interfere with the exercise of the right, still the people, by going somewhat further into the forest and lopping trees other than pines, will be able to supply all their wants. At the same time I cannot but point out that in my opinion a difficulty may arise in enforcing the rule as to time and size of tree and height of lopping. The record says that trees are lopped but not to the top, and a Kulu right-holder may plead in the Criminal Court when charged with lopping above one-third that the record allows him to lop, provided he does not lop to the top, and that the act for which he is being tried was done in the exercise of a right recorded under Section 28 (Section 33), and that as the rules cannot prohibit such an act, he is not liable to punishment. The rule does not in my opinion interfere with the substance of the right, which is a full supply of green leaf manure for the cultivated land; but I doubt if it does not prohibit an act done in the exercise of a recorded right. This same doubt applies to the regulation of time and the size of trees to be lopped. It will help me as well as others if the Government will declare how it thinks such objections to the rules can be met.

I agree.

W. M. Y.

24. By proviso (5) of the Conference rule it was forbidden to cut kail poles for the bier, and alder was allowed only when specially marked by the Forest Officer. But in some few cases my record allows the cutting of alder poles for this purpose, and the utmost "regulation" should be that they cannot be cut without a permit. Such regulation cannot be imposed in a case like this without practically taking away the right, for the people could not wait for a permit to cut trees required for the removal of the dead. The Conference rule would amount to the prohibition of the exercise of a recorded right unless the alder trees were marked and in a reasonably convenient locality. As to kail for the same purpose, the Conference rule is an absolute prohibition in all forests of a right recorded in many forests (see paragraph 160 of my report; also rights and conditions of all 2nd class and undemarcated forests; also Padra Danach, 1st class forest in Kulu, and Nos. 20, 21, 23 of Rupi and elsewhere), and under

I think the rules will not occasion any practical difficulty, and would accept them.

W. M. Y.

my rules, if rai, tos or chil were not handy, two kail poles could be cut without permission. It was therefore necessary to change the Conference rule to prevent its clashing with the record. The Forest Officer wished to see kail protected as far as possible, and two suggestions were made to limit the extent of the permission to be given by the rules. The first was that only kail and alder trees specially marked should be cut. But to this there is the objection that unless trees are marked in sufficient numbers and in convenient places, this would prevent the exercise of the right, for trees, especially kail trees, would have to be marked near almost every village, and this could scarcely be done. The other suggestion was that kail for this purpose should be allowed only in 2nd class and undemarcated forests, and not in 1st class forests, but as a fact the right to cut kail for this puporse has been recorded in several 1st class forests and to require a permit for the exercise of the right would be tantamount to prohibition, and could not be called "regulation." The first draft is in accordance with my old rule, and allows only what the second admits. The second is simpler, but it is more liberal than the record, in that it allows trees to be cut for this purpose from 1st class forests where the right was not admitted. As kail and rai can under the record be cut from undemarcated and 2nd class forests, this liberality is not necessary, but it removes a complication from the rules.

I prefer the first, as agreeing with the right recorded. W. M. Y.

Under proviso (7) of the Conference rule, it was perhaps intended that, even where the record allowed kail to be cut, the trees cut were not to exceed one hath in girth at the ground, but in parts of Outer Sahraj, where deciduous trees are scarce, a right to cut kail of a larger size for agricultural implements was admitted by me. For instance in Baro Bahra No. 22 of Outer Sahraj, the record was the following :—

> "One kail or rai tree not exceeding a hath in girth at the ground may be cut for the sanj (pole) of the plough, and one kail tree not exceeding 2 haths in girth at the ground may be cut for the shamai (yoke).

And the same record was made in other 1st class forests and also in the undemarcated forests. The Conference rule would, I think, deprive the right-holders of the larger kail trees required for the yoke, and hence it had to be altered. All the limitations in size imposed in the first record have now been removed, as explained in paragraph 37 ; but they can be reimposed by the rules, and the new rule has been drafted accordingly, and the regulation of this right by fixing the size of the trees that may be cut is in no way an interference with the right.

W. M. Y.

25. *Rules* 12-13.—The proviso to Rule 12 is added in accordance with paragraph 29 of His Honor's 2nd note, and to prevent confusion the Assistant Commissioner will determine when the Negi shall cease to mark trees.

W. M. Y.

Rule 13 has been framed to meet the cases referred to in paragraph 21. While it stops the exercise of a right in one forest, it provides in another for the requirements of the right-holder, and this may be considered within the meaning of "regulation" but as explained elsewhere (paragraph 35), it seems to me that it would be safer to make this rule a preliminary to the regulation of the right by fixing the number of trees that can be cut in any forest consistent with the maintenance of the forest. In fixing the other forest from which trees may be given, the requirements of those who have been recorded as entitled to timber from that forest should be considered.

I agree to the rule as framed. W. M. Y.

Deodar trees

26. In the record for 1st class forests as originally prepared an entry was made that deodar trees could not be claimed even on payment. This was based on the fact that, though the people had no doubt got deodars from these forests there was a sufficient number of trees outside these forests to meet their requirements. Now the record in all forests is that the right-holders take trees suitable for building purposes. To regulate this right two rules have been suggested,—one that deodar should be given only for those parts of a house for which other timber is unsuitable, and the other that deodar should be given only for doors and windows. The second rule is more definite and will be better understood by the people. The rule provides also for the grant of deodar for temples which are

made exclusively of deodar, and for irrigation channels which are often made of deodar as kail and most other kinds of timber do not bear the constant exposure to wet so well as deodar. W. M. Y.

Temple groves.

Rule 16 is in accordance with paragraph 35 of His Honor's first note. The rule is necessary as a restriction on the power of Government. I have shown elsewhere that the relaxation sanctioned by the Lieutenant-Governor is not a relaxation in favour of the people, but in favour of Government. I notice that Sir James Lyall did not object to the rule as originally drafted. W. M. Y.

In *Rule* 17 the alteration ordered by Sir James Lyall of *graon* to kothi has been made in accordance with paragraph 34 of the 1st note and paragraph 13 of the Conference proceedings. W. M. Y.

In *Rule* 18 power has been conferred on the Deputy Commissioner in accordance with paragraph 28 of His Honor's 2nd note to come to an arrangement with the right-holders in any forest as to the quantity of timber to be given to them annually. I agree with Mr. O'Brien that this plan is not likely to work, but the necessary power has been taken by rule. W. M. Y.

Rule 19 is drafted under paragraph 28 of the 2nd note. The Forest Officer has assured me that it has always been acted upon already. W. M. Y.

Alienation of forest produce.

27. *Rule* 20.—In paragraph 23 of the Kangra note, the Lieutenant-Governor has expressed a doubt whether a rule to make penal the sale by a right-holder of timber or other forest produce given or acquired for his own use is legal under the Forest Act, but he directed that the rule should stand in Kangra, and so it has been included among the Kulu Rules also. I may note that under Section 31 (*b*) the Local Government can regulate by rule the granting of licenses to the inhabitants of villages near protected forests to take trees, timber and other forest produce *for their own use*, and this would surely cover a rule prohibiting the sale by such persons of timber given for their own use. I presume that licenses granted to right-holders come under Section 31 (*b*). There is, however, no provision for protected forests such as is made in Section 23 of the Act for reserved forests. W. M. Y.

The changes in the record in regard to the alienation of forest produce are explained in paragraph 31 of this report. If at any time it sees fit, the Government may change the rule now proposed and prohibit the sale of firewood, torches, charcoal, lime, slates and plastering earth; but it cannot prohibit the sale of the other articles.

Privileges to non-agriculturists.

Rule 21 provides for non-agricultural residents, and travellers and traders passing through Kulu getting dry wood and grass and grazing their cattle. My original record provided only for non-agricultural residents, but we see travellers and traders turning their baggage animals out on the waste, and some day an over-zealous Forest official may interfere unless the rules allow these licenses. As these people have no rights, this matter has now been excluded from the record. W. M. Y.

Rule 23 is framed in accordance with paragraph 37 of the 2nd note. Permission is necessary only for 1st class forests. There is no restriction on burning lime or charcoal in 2nd class and undemarcated forests. The prohibition against burning lime and charcoal in 1st class forests (see the former draft Notification, Appendix VI) has now been removed. I agree to the provision, if it can be included in rules under Section 31; but see covering letter.

Extension of cultivation.

28. The clearing of land for cultivation in 1st and 2nd class forests is prohibited in accordance with draft Notification, Appendix VI, but in the undermarcated forests, it is to be allowed with the permission of the Assistant Commissioner. Even in Waziri Rupi, where the soil of the undemarcated forests has been declared the property of the jagirdar, the sanction of the Assistant W. M. Y.

Commissioner is necessary before the jagirdar can give out any land for cultivation (see Chief Secretary to Government's No. 199, dated 16th March 1894, to the Senior Secretary to the Financial Commissioner), and therefore the rule applies to the whole of the Kulu Sub-division.

The paragraph in the record of rights allowing the cultivation of sarson and bhang in thaches in 2nd class and undemarcated forests of Kulu Proper, Inner and Outer Sahraj, has been struck out in accordance with paragraph 39 of the 1st note. There is no right, but there is a sort of custom, which can do no harm to the forests, and the shepherds put some value on the privilege. In so far as these thaches are in undemarcated forests, a rule might be made that the cultivation may continue as heretofore without the Assistant Commissioner's permission, but many, in fact most of them, are in the 2nd class forests, and it is proposed to issue a general prohibition against clearing for cultivation in them. These thaches are open glades on sunny slopes which are free from brushwood and trees, and a rule permitting cultivation in them would not be contrary to the spirit of the notification. To prevent, however, any clashing between the prohibitions under Section 29 and the rules under Section 31, I propose that, with the sanction of Government, the Forest Officer shall give permission in writing for each kothi for the cultivation of vegetables in the thaches in accordance with past custom, and under Section 33 this permission will over-ride the prohibition under Section 29 (*c*).

I would provide this in the rules (see above), just as in para. 17.
W. M. Y.

Sale to traders, &c.

29. *Rule* 26 has been taken from the Murree-Kahuta Forest Rules. It justifies the Collector's interference in cases where he thinks that the Forest Officer is not leaving timber in the forests sufficient for the requirements of the people,—see end of paragraph 34 of the 2nd note.

W. M. Y.

Snaring hawks and musk deer.

30. In the record of rights now prepared an entry has been made in the forests of Inner and Outer Sahraj to the effect that the proprietors of a kothi set nets, traps and snares for the capture of hawks and musk deer in the forests of their kothi, and this is all the record made at Mr. Barnes' Settlement, and there is no reference to the subject in the records prepared by Mr. Lyall. In Kulu Proper, Mr. Barnes did not record any right, and the forest record now prepared is also silent on the subject. In Wazíri Rupi no one has the right to catch hawks or musk deer without a license from the Rai, and this has been recorded as one of the Rai's rights. The Rule 27 has been drafted in accordance with paragraph 23 of the 2nd note.

W. M. Y.

Changes in record of rights of 1st class forests.

31. I now proceed to explain the changes made in the record of rights, and first of all in the records of 1st class forests. The general conditions now prepared are applicable to all the 1st class forests in the sub-division. Paragraphs 1 to 3 call for no remarks. The people will not understand what the definition of "cattle" means, but this record can never be put into their hands as it now stands without an explanation of what they can and cannot do, and this explanation can be given only after the rules are finally settled—see paragraph 39 of the 2nd note and paragraph 41 of this report.

Paragraph 2 of the old general conditions is repeated in paragraph 4 in so far as it was approved by the Lieutenant-Governor. The parts of paragraph 2 not given in this new paragraph appear in a somewhat different form as paragraphs 10 and 11 of this record, and will be discussed when that part of the record is reached. The reason for the extended meaning of "cultivated land assessed to revenue" has been already given in paragraph 11 of this report.

W. M. Y.

The only changes made in paragraph 5 which prohibits the alienation of forest produce are that I have now added honey and grass to the list of articles which right-holders are entitled to sell, and that the proviso has been excluded. Honey was overlooked by me in the first record; but grass was intentionally excluded in accordance with Mr. Lyall's order passed in paragraph 7 of his Secretary's No. 129 C.S., dated 27th September 1881, in which he said he thought that agriculturists should be admitted to have a right to gather for sale, as well as for use, medicinal roots, wild fruits, &c., which they have always gathered for

sale, but *he would not admit* their right to gather for sale firewood, *grass*, torches, slates, charcoal or bamboos. As the people had sold bamboos, or articles made of bamboos, this product was classed as alienable, but grass remained inalienable except during the pleasure of Government. Sir James Lyall has now (see paragraph 31 of His Honor's 1st note) stated that the people have a customary right to sell grass when there is a demand for it, and the record has been changed accordingly. The proviso allowed right-holders to sell, during the pleasure of Government, firewood, torches, charcoal, &c. No objection was taken to this forming part of the record, but as it is not a right, and is clearly a matter for the rules, the proviso has been struck out and a rule made providing for the sale of certain forest produce.

Yes: but Sir J. L. said he would not interfere with the gathering of grass for sale till the advisability of doing so was proved W. M. Y.

W. M. Y.

Paragraph 6 has been re-drafted in accordance with paragraph 33 of the 1st note and paragraph 12 of the Conference proceedings. So in paragraph 7 *kothi* has been substituted for *graon* under paragraph 34 of the 1st note. In this case the *phati* which, is the unit of assessment in Kulu, and corresponds to some extent to village in the plains, while a kothi is more like a taluka or circle, is, in my opinion, the local area within which we should require that the building be erected. It is defined and not open to the same objection on this score as *graon*, but the kothi was accepted by the Conference, and it allows a little more latitude to the people than I would give, and it has been left. The entry that deodár could not be claimed even on payment has been struck out in accordance with paragraph 35 of the 1st note and paragraph 14 of the Conference proceedings and the matter is provided for by rule.

W. M. Y.

32. Paragraph 8 has been changed under paragraph 35 A. of the 1st note. I most respectfully submit that this change has been ordered under a misunderstanding. The condition as to cutting deodar trees near temples was entered entirely in the interests of the people and to prevent the denudation of temple groves. It prohibited the cutting of green trees for any purpose whatsoever, and dry trees were to be applied only to the repairs of the temple. The area to which this rule applied was small, and probably the manager of the temple would never have dared to cut a green tree so near to the haunts of the deota, certainly not without the special permission of the deota. In many cases it is considered a desecration of the sacred precincts to cut geen deodar for any purpose, and many of the old deodars are quite as sacred as the temple. Now by the relaxation of the rule proposed by Colonel Wace and Colonel Gordon-Young, these green trees may be cut; no doubt only for the repairs of the temple, but they may be cut. Under my rule the Forest Officer had to give green deodar when required for the temple from the forest outside the consecrated area, but now he will be inclined to give them from *that* area, especially as the Forest Department may not cut from it, and the relaxation of the rule allows him to do so. No doubt it also allows a dishonest kardar of a temple, who profits by all he can save out of the income, to get a tree close to the temple when he would have to pay something for the carriage of a tree brought from a distance, but as a rule the kardar and the people would prefer to get the trees at some distance, and that the grove should be spared. The relaxation allows the Forest Officer to mark such trees for felling, and is in favour of the Government and not of the people.

W. M. Y.

I agree with this and would restore Mr. A's old entry omitting the words ,, except for " etc,, to "are available " W. M. Y.

33. Paragraph 9 stands as before in accordance with paragraph 38 of the 1st note. The former entry as to setting nets in the forests of Kulu Proper has been omitted, as at the settlement neither of Mr. Barnes nor of Mr. Lyall was any such right recorded except in Inner and Outer Sahraj, and in paragraph 17 of the new record the right has been allowed only for Sahraj.

W. M. Y.

The former paragraph 11 has now been omitted in accordance with paragaph 37 of the 1st note. As a fact the people all admit that they are bound to turn out to help in extinguishing a fire, even though no Forest Officer or Police Officer is present to demand assistance; and, when a fire takes place, and criminal proceedings are instituted, the defence usually set up is that every assistance was rendered. It was not in my opinion going too far to make this assistance a condition of the exercise of rights, and the record made was in accordance with paragraph 10 of the Government letter No. 274, dated 5th July 1883, to the Government of India. Perhaps the difficulty may be removed by making a reference in the record of rights to the Rules of 1855. Under Rule 9 the villagers, owners and occupants of the land might be—and I presume were—rendered

responsible for conflagration occurring within their bounds, whether accidental or not, or by whomsoever caused. This may perhaps amount to a restriction on the rights of the people, and may, under paragraph 7 of His Honor's note on the Kangra Forests, find a place in the record. It has certainly been for many years considered as a responsibility resting on all right-holders, and ten or twelve years ago when criminal proceedings were instituted, if the accused alleged they had no "bartan" in the burned forest and this fact was proved, he was not considered responsible under the rules. But there is so much doubt about the rules of 1855 and how far they applied or did not apply that no attempt has been made to incorporate any part of these rules in the record.

Conditions to prevent extinction of the forest.

34. (Paragraphs 10 and 11). His Honour objected to the two conditions in paragraph 2 of the former record :—

(*a*) that the rights may be exercised in proportion to the area cultivated and the revenue assessed ; and

(*b*) that the Government may, whenever it considers it necessary in the interests of the forests or of other right-holders, define by numbers the extent of any of the rights.

His Honor (paragraph 28 of 1st note) was willing to hear anything further that was to be said, and having regard to paragraph 21 of the 2nd note I have taken the liberty of including these conditions in the present record in a somewhat altered form. If may not be possible to accept these conditions, but at present they seem to me necessary so that His Honor's order passed in the last clause of paragraph 21 may be carried out.

The two conditions were unfortunately recorded by me in the wrong order; the first condition was directly applicable when the second had been carried out; and it was also intended as a guide to the officers who had to manage the forest and my object was that they should consider the area a man cultivated as well a the revenue he paid, and not unduly restrict an applicant for building timber who cultivated a considerable area of poor land very lightly assessed. But the area cultivated and the revenue assessed are to some extent different standards, and, as one definite rule is necessary, the revenue paid should be the standard for determining the rights of individual right-holders. This was the standard fixed in the reserved forests, and no objection has been taken to it by Sir James Lyall or any other ; and, if the standard is correct in the reserved forests, it must be correct in all cases where several right-holders have concurrent rights.

In making the second condition I had in my mind the case of damage by excessive cuttings or excessive grazing, as well as the case where one right-holder caused damage to the others by having an excessive number of sheep and goats out of all proportion to his revenue. All rights were admitted on the understanding that the forests were to be maintained at least in their existing condition, and certainly it was never contemplated that the rights might be exercised to the annihilation of the forest, and constant deterioration means ultimate extinction (see paragraph 21 of the 2nd note). As my report shews, I had in my hands Baden-Powell's Manual of Jurisprudence for Forest Officers in which it was shewn that "rights of user could not go to such an extent as to swallow up the property, to render it even gradually useless or valueless to the owner." But as this was of the very nature of such rights, it was not made a condition in the record, but as a step towards enforcing the principle I recorded the second condition. I do not pretend to say that the whole matter was reasoned out completely, but I do say that this condition was included in the record to meet cases of excessive demands upon the forest. There were no working plans in 1880 when the settlement began; there are none even now, though a beginning has just been made in preparing them. There was absolutely no information as to the extent of the burdens that any forest could bear, but the rights admitted were made subject to the condition that the Government might fix the actual possible extent of the rights. To carry out this condition does not involve any alteration in the extent of the right; the limit of the right was the same in 1880 as it will be in 2000, and that limit was the possibility of the forest or the requirements of the right-holders, whichever was the lesser. No doubt the record would have been much more complete if the limits had been included in it and

the forests reserved, for that is what it comes to. But I was satisfied at the time and am satisfied still that such limits, fixed without any scientific enquiry, and without any accurate knowledge of the requirements of the people, could not have been in the interests of the forests, nor ultimately of the people.

It may be argued that the limit of the people's rights is their actual requirements without regard to the possibility of the forest, and that the Government should have prevented extension of cultivation, increase of population, and so on, in places where the demands on the forest exceed the possibility. The first burden on the forests is the supply of the people's wants, and, if there is no surplus, there is nothing for Government to dispose of; and when this point was reached in the development of the hamlet, we may presume that all the new demands had to come out of the old right-holders' share, so that all became entitled to less, but they were entitled to all that the forests could yield. In the interests of the people themselves this is the only equitable way of looking at the matter; and so long as Government makes no profit out of the forests and the whole of the produce goes to the people, there can surely be no objection to the limitation on the rights of the people that they are entitled to all, but not to more than, the forest can yield. This explains why it seems to me that paragraph 10 should find a place in the record; it might even be said that it embodies a right of the right-holders, *viz.*, the right that the Government, as owner of the land, shall manage the property in such a way that the rights of user shall not suffer.

I think paragraphs 10 and 11 may stand, W. M. Y.

In paragraph 11 it is laid down that when disputes arise among right-holders, the Government may fix the maximum extent of the rights, and the share of each right-holder shall then be in proportion to his revenue. It may be said that the people can get their disputes settled in the Civil Courts by an injunction forbidding, *e.g.*, the grazing of sheep and goats in excess of a certain number. But in my opinion the Forest Act allows, perhaps demands the record of rights, not merely of the people as against the Government or *vice versa*, but also the rights of the people *inter se*. The standard of the revenue has been accepted for the reserves, and it applies equally all over.

35. His Honor laid down at the end of paragraph 21 of the 2nd note that "pending a proper examination of and report on a forest by some Forest Officer of the higher grades no one should be debarred from the exercise of his rights in any forest except by a special order of the Deputy Commissioner passed on the report of the Assistant Conservator." I presume from this that the Deputy Commissioner will be able, on the receipt of a full report by the Forest Officer, to allow a certain number of trees to be cut by the right-holders to the limit that the forest can bear. If it is legal to stop a right even for a time, it is surely possible to allow it to be exercised to a certain extent, and this seems to be doing exactly what my record provided for. Just as we fix the extent of a right to timber upon the application of the individual right-holder, so we fix the extent of the aggregate of rights. There is no limitation of the right: we give all that the right-holders are entitled to.

No doubt it is much easier to say how many trees may be cut from a forest than to fix the number of sheep and goats that may graze in it consistent with its maintenance. But theoretically if the maximum number of trees can be fixed in accordance with the existing law, which I presume can be done in the manner explained in the last paragraph, so also may the number of cattle, and thus it may be said that the question of the limitation of sheep grazing may be disposed of under paragraphs 10 and 11 of the record. But in my opinion it will be found impossible to fix the possibility of the forest in the matter of grazing, and the question will be decided not by working plans but by closing against sheep and goat grazing as large an area as possible. It will suit the people better to have a large area closed against sheep and goats than to have the maximum number fixed. If the Forest Department would work more with the people in the matter of closing, and allow horned cattle to graze instead of closing against all rights as at present, I believe that much more might be done.

It has been suggested that in the record of 1st class forests it should be declared that the right-holders have a right to graze in these forests only the number in their aggregate possession at the enumeration made at the recent settlement. No doubt this is a more extensive right in these forests than the people are entitled to, as they maintain a considerable proportion of their flocks in the 2nd class and undemarcated waste. Mr. Fisher's object in this suggestion was that when the question of closing any forest came up, the number of sheep and goats for which it would be necessary to provide grazing under Section 29 would be the number possessed in 1890 and not the number possessed at the time of closing. If the record was used only in this way, the people would, in my opinion, get all they are entitled to, but I doubt if any part of the forests could then be closed against sheep and goats. The Forest Department wants a maximum, however arbitrary, but the record cannot be prepared for a special purpose, and though the people would not suffer, the suggestion cannot, it is feared, be carried out.

36. Paragraph 12 of the general conditions defines the right-holders as before, and paragraph 13 gives a definition of the term "minor forest produce" as used in the record. In the former record I gave a detail of the trees lopped, the trees cut for fuel, the trees cut for agricultural implements, &c. To simplify the record, I have now given one list of all the trees cut in the particular forest, and in paragraph 14 of the general record have been given the purposes for which they are cut, lopped or barked. These "inferior trees" include none of the reserved kinds. All rights over the reserved trees, *e. g.*, lopping for fodder, or for manure or for charcoal, or cutting for building purposes, or agricultural implements or for burning the dead, have been separately recorded. It would have saved much trouble if, instead of giving a detail of these inferior trees, I had merely defined "inferior trees" as all trees except the 20 kinds which it was intended to reserve and this in reality is the practical meaning of the record. But the first record gave a detail of these inferior trees as the Forest Department wished, and I have retained the detail; but the record will be much simpler and the difference in the substance of the rights will be very little, and that little in favour of the people, if no detail is given, but wherever the right to inferior trees is admitted, it be declared to be a right to all trees except the 20 trees of the first class which will ultimately be reserved (see on this point the record for 2nd class and undemarcated forests).

In paragraph 15 the "right to timber" used in the record of each forest is defined as a right to timber for certain purposes. So paragraph 16 declares that paths and roads are open to all cattle unless the contrary is stated. I am afraid that not a few paths through the 1st class forests have been forgotten. No attempt has been made to enforce the record in this respect. It was Dr. Schlich's request that rights of way should be recorded, but in my opinion the record is of little use. No rule has been drafted on this point, but if it is considered necessary I would suggest a rule to the effect that "notwithstanding anything in the record of rights, all rights of way and water-courses are open." Paragraph 18 excludes the Rai of Rupi in his capacity of jagirdar from the scope of the record prepared for the agriculturists. In so far as he is the full owner of land and has tenants, the record would apply.

I agree: the rule can be reconsidered if necessary.
W. M. Y.

37. The following conditions in the old record have now been excluded because though they were founded on past practice, and more or less on custom, still they were regulations of the rights rather than definitions, *viz.*—

Restrictions expunged.

(1) Times fixed for grazing of sheep and goats.

(2) Strict definition of the girth of trees to be lopped or cut and of the height to which trees may be lopped.

(3) Definition of the times when fallen leaves may be removed or trees lopped for manure.

(4) All references to the exercise of the rights with or without permission.

In some few cases it has been possible to indicate rather than fix the time that sheep and goats generally use the 1st class forests. Almost all

the flocks leave the village in the hot and rainy months and go to the gahrs, dothlas, and nigahrs in the high forests, but a few sheep and goats may remain behind, and none go if there is any disease among them. Hence the right has been exercised more or less all the year round, and the limitations in time, though founded on custom, have been struck out, though they imposed no hardship, as the few sheep and goats that remained behind could find sufficient grazing outside the 1st class forests. In the 2nd class forests the use of the terms gahr, dothla, nigahr in the descriptions of the runs, indicates fairly well to one acquainted with the customs of the shepherds, when the sheep use the runs.

In regard to cutting of trees of specified sizes for biers and agricultural implements, the sizes formerly recorded were based on actual custom and were suitable for the purposes for which the trees were required; but the people did not cut and lop trees with a tape measure in their hands; they cut trees suitable in size for the purpose in view, and this is now the record. So in the case of lopping they lopped less in Kulu because they had more irrigated land and less unirrigated; on the other hand they took more suhr or fallen leaf manure, which is required for rice land. The case was the reverse in Sahraj. The trees were not lopped to the top, but that was the only limit in practice and is now the only limit in the record.

The times for the removal of suhr have been expunged, and also the times for lopping pines for manure, though in the latter case they are almost part of the definition. The people lop for manure almost exclusively in the rains, but they lop at other times also, just as suhr is taken mostly in April and May and in October and November, but also at other times during the year. I am not sure that the circumstances under which suhr (fallen leaves) and rakhati (green leaves) are taken for manure differ so much that a time should be fixed for the second and not for the first. I do not think the people will suffer if a time for lopping is fixed, but this is a right which from the Forest Officer's point of view stands less in need of regulation than the removal of fallen leaves.

The more valuable trees were never cut at any time without permission, and, on the other hand, no restriction has ever been imposed on the cutting of the inferior trees and brushwood. Even if there had been no Rules of 1855 or of 1859-60, and no Forest Act conferring powers of regulation, still, in accordance with the custom of the Rájas and the practice existing since annexation, big timber for building could be cut only with permission (see paragraph 27 of Mr. Lyall's Settlement Report, extracts from Mr. Barnes' Records). But the people have always had an undoubted right to building timber, and the rule requiring permission was only regulation, and it does not now appear in the record, as it did not affect the substance of the right (paragraph 7 of the Lieutenant-Governor's note on Kangra Forest Settlement). On the other hand, the fact that permission had never been necessary for cutting certain kinds of trees has also been excluded. These two conditions had to stand or fall together.

Record of rights in 2nd class forests.

38. The record of rights for the 2nd class forests has scarcely been changed, except in the general conditions which are now the same for all parts of the sub-division with some slight differences. The conditions are the same as in the 1st class forests. The trees have been divided into 1st class and 2nd class, and the record states that the inferior trees can be cut, lopped, barked and removed to satisfy all agricultural and domestic wants, while the rights exercised over the 20 better kinds of trees are recorded in detail. This course has been followed in the undemarcated forests, and I think that it would have been quite sufficient for the 1st class forests also.

I. E., the general conditions 12 to 15 are different. W. M. Y.

39. The objections to the manner in which the undemarcated forests had been treated were—

1st, that the definition of the area which it was proposed to declare undemarcated protected forests was not sufficiently definite; and

2nd, that there was no record of rights such as is required by Section 28 before any area can be notified (see His Honor's 1st note, paragraphs 40-44).

The first objection has been removed (see paragraph 24 of the 2nd note) and the notification has been amended as directed. The former record for these forests merely declared that those who had hitherto exercised rights might continue to do so. This was, I admit, no record, but it was drafted by Mr. Lyall himself for the Shahpur-Kandi Forests and I was informed that the procedure followed in Shahpur-Kandi would influence the procedure in Kangra. The difficulty in Shahpur-Kandi was the preparation of a detailed record of right-holders for the demarcated forests which it was then proposed to make reserves, and Mr. Lyall in paragraph 17 of his memo. wrote as follows :—

"If a more detailed record is not practicable, then I think the entry in each forest record should have been to this effect :—

"All proprietors of the soil of the demarcated forest and agricultural tenants holding under them have full bartan rights of all kinds : other residents of the village or adjacent villages have bartan, if any, only to the extent to which they and their predecessors in title have hitherto continuously exercised and enjoyed as a right the particular bartan claimed." This was considered a sufficient record for *demarcated reserved* forests, and was included in the draft rules appended to Punjab Government No. 296, dated 20th July 1883. Both in Kulu and in Kangra a detailed record of right-holders in demarcated forests was prepared by me and I applied to the undemarcated forests the form of record approved by Mr. Lyall and the Punjab Government for demarcated reserved forests. As the soil of the forests belonged to Government, only the second part of Mr. Lyall's draft was applicable. In justice to myself I draw attention to this fact because the treatment of the undemarcated forests has been the most severely condemned by His Honor of all the forest settlement work, and the condemnation rests entirely on this mode of recording or of not recording the right-holders.

40. In paragraph 44 of his 1st note the Lieutenant-Governor laid down that a record of right must be prepared, and the Conference proposed that all proprietors and tenants should as against the Government be recorded as entitled to all rights in the undemarcated forests, without regard to whether they have ever by actual exercise acquired the rights. My objection to this was that the people might perhaps protect their own grazing and grass, but they could not be trusted to protect the valuable trees, which would be claimed at zamindari rates by those who had no right whatsoever, and the actual right-holders would for a consideration raise no objection. It did not seem safe either here or in Kangra to allow every proprietor anywhere to claim reserved trees at favourable rates from the whole undemarcated area, and I therefore suggested that in so far as the people of one kothi claimed any rights over the reserved trees in other kothis, these rights should be recorded. To this His Honor agreed, and the record of right-holders for the undemarcated areas is now to the effect that proprietors and tenants may as against the Government exercise all the rights in all undemarcated protected forest, provided that they may exercise over the 20 trees entered as 1st class standing in any kothi other than that in which their land is situated only such rights as have been admitted to them in the record of each kothi (see paragraph 24 of 2nd note and order dated 4th June 1894). The record is now definite ; each one knows what rights he has and where he may exercise them. My record is not so liberal to the people as the Conference proposal, which allowed a Sultanpur Bania holding a piece of land near the town to have a right to deodar in every kothi in Kulu at Rs. 3 per tree as against Rs. 15, the market rate. I have now ascertained and recorded the timber rights of one kothi in another kothi, and have prevented the wholesale creation of rights against the Government over the more valuable trees.

41. The record as now prepared is in no single particular less favourable to the people than the old record, and the people were made fully aware of the contents of that record. Mr. O'Brien wrote of the extracts given to each Negi that they contained all that the zamindars required to know. The new record would not be understood by the people without the rules, and I have made no attempt to explain it to them. That will be done when the rules have been sanctioned. But I have little doubt that here and there omissions have been made in the record of right-holders, but it is competent to the Assistant Commissioner to correct the record which is not final, and this he should do whenever after reference to the Forest Officer, he finds that there is an omission.

42. The rights of the Rai of Rupi are left as they were formerly recorded, except for the changes ordered in Government letter No, 199, dated 16th March 1894, consequent upon the break in the succession and the re-grant of the jagir to Megh Singh. The conditions and limitations have been left as before. The rules made under Section 31 will not apply to the Rai, and it is necessary that the restrctions imposed should remain on record as before, and they were accepted by the late Rai, and even if they had not been accepted, it would have been right to make the new Rai, accept them.

Rights of jagirdar of Rupi.

43. I have not made any entry in the record in regard to shooting. Sir James Lyall wrote that the right of taking wild beasts and birds should be included, subject to rules issued under the Forest Law; that it was a customary right, and if it was not recorded, forest officials might some day claim for Government a monopoly of shooting or hunting, which was not intended when Government claimed and reserved at settlement to itself the proprietary right in the soil of the waste and forest lands. No doubt the proprietors of land have shot birds and have, in my opinion, quite as much right to shoot as any other person, perhaps more. But it does not seem that it is necessary to make any record on the point.

44. All reference to the assessment of the forest rights to revenue has been omitted from the record, and as the settlement is past and as the entries have fully served their purpose, the necessity for them no longer exists. The people had been told by me that they might have to pay something for the exercise of their rights, and a record was necessary, otherwise they would have thought I had by silence accepted their objections to any fee being levied. Time after time have officers been charged before me with breach of faith in forest matters simply because they had not explained everything to the people and had made no record.

Assessment of forest rights.

I shall here note for convenient reference the orders as to the assessment of forest rights and the various methods of assessment actually adopted. Perhaps the proper place for this was the Final Report of the Land Revenue Settlement, but the subject comes more conveniently into the Forest Settlement Report. In paragraph 14 of Sir James Lyall's note on the Kangra Forest Settlement written in August 1887 it was laid down that these forest rights could be assessed only in so far as they were a source of direct profit, and he objected to my assertion that they could be assessed to revenue as part of the assets of the villages, and again in February 1892 he passed a similar order. In the orders on the Kulu Assessment Report the matter was treated differently, and stress was laid on the fact that the rights belonged to the people, and that anything charged for them could be charged only by way of assessment of the land revenue, and not by way of price or fee. But Sir James Lyall thought that a charge for trees might be imposed to prevent waste, as part of the Forest Settlement, provided the income was paid into a common fund. These orders on the Kulu Assessment Report were carried out, and an entry made in the Wajib-ul-Arz that trees given for building purposes would be charged from 4 annas to a rupee each according to their value, and that the income would be credited to the common fund of the kothi. The Conference framed its 6th rule in accordance with Secretary to the Financial Commissioner's No. 159, dated 25th February 1892, to the Secretary to Government, and His Honor accepted the rule not as part of the Forest Settlement, but as provided for in the Wajib-ul-Arz (see paragraphs 11, 18 and 19 of 2nd note), and the rule is now being enforced, arrangements having been made for refunds when the saw is used in converting the timber; and he further laid down in paragraph 12 of his note on the Kangra Forest Settlement that forest rights, whether they produced a direct profit by sale or not, might be taken into consideration in assessing the revenue of the land to which the rights were attached. Sir James Lyall withdrew the opinion that the fees taken from right-holders should not be credited to Government but go to a common fund, but as the right to kail, chil, rai and tos, upon which fees are levied, has been assessed to land revenue along with the land to which the right is appendant, we cannot assess the right again, and the fees must go to the common fund of the kothi in which the land is situated.

The forest rights have been assessed in the following ways :—

(1) The assessment of the rights to grazing (except of sheep and goats), fuel, grass, &c., has been fixed for 20 years and is included in the land revenue of the holding.

(2) The assessment of the right to graze sheep and goats was not included in the land revenue proper, but is levied by a grazing rate on the number of sheep and goats possessed at the settlement, and has been settled for 10 years.

(3) The assessment of the right to deodar, walnut, box and ash is not included in the land revenue, but is made at the time of exercising the rights by levying rates (popularly known as the zamindari price) on the trees given. The rates should be considered as fixed for the same period as the land revenue settlement, but there is no order on the point.

(4) The assessment of the right to other trees for building purposes (kail, chil, rai, tos) was included in the land revenue, and has been fixed for the period of settlement, but to suit our convenience an arrangement has been made that just as in a plains village the co-sharers as a body demand rent from the occupant of nautor, so in the case of kail, chil, rai, tos a payment has to be made to the common fund of the kothi when the right to the trees is exercised.

Conversion of protected into reserved forests.

45. The Lieutenant-Governor, in paragraph 12 of his 1st note written before he visited Kulu, was inclined to think with some of the Forest Officers that it would have been better if all the demarcated forests had been dealt with under the reserved forest procedure, and the Conference agreed that it was a pity that I did not treat more of the forests under Chapter II instead of Chapter IV of the Forest Act. Mr. Fanshawe, Chief Secretary to the Punjab Government, has noted that I had a good defence in the expressed desire of the Government of India that forests made reserves should be unencumbered with any rights. Under these circumstances I might perhaps have remained silent, and been content with the knowledge that the Punjab Government was aware that the settlement was made in accordance with its orders passed in pursuance of a deliberate policy approved at the time by the Government of India and the heads of the Forest Department. But the Conference has recorded that it will probably be desirable in course of time to convert several of the 1st class protected forests into reserved forests, and, though as yet His Honor has not passed any orders on that suggestion (see paragraph 17 of his 2nd note), still it is very likely that the opinions of the Lieutenant-Governor and of a Conference consisting of the Financial Commissioner, Commissioner, Deputy Commissioner and Conservator of Forests will re-open the whole question with the Government of India when the rules under Chapter IV are submitted for sanction, and I therefore think it necessary to explain at more length than Mr. Fanshawe has done the reasons for constituting the forests protected rather than reserved, the more so that the correspondence is so voluminous and extending over so long a time (almost 20 years) that no one can in these days be expected to be fully acquainted with all the facts and orders.

46. It is unnecessary for my present purpose to go back further than the Joint Report of Messrs. Brandis, Baden-Powell and Colonel Stenhouse written in November 1876, of which Mr. Lyall wrote in 1877 that it gave a very true and complete account of the rights of the State and of the people of Kulu in these forests, and that its general policy and particular proposals were very fair and judicious, and if carried out in the spirit of the report the Kulu people would not suffer (No. 3 M., dated 7th September 1877). The Indian Forest Act was passed in March 1878, and in September of that year the Conservator of Forests (No. 115 C. L., dated 3rd September 1878) proposed that certain areas indicated in the Joint Report should be made protected forests under simple rules, and he expressly stated that it was not then proposed to constitute these forests "reserves" under the Act. But, before orders had been issued, he suggested in his No. 21 C. L., dated 1st September 1879, that the forests should

be treated under Chapter II as reserves, and he noted that, though the rights, being of a somewhat general nature, were not capable of being defined in the minute way contemplated by Section 12, that difficulty was got over by the fact that the Act required that to be done only "as far as may be practicable," and that the rights might be recorded with sufficient clearness, though all the details noted in Section 12 were not given. The Punjab Government in its No. 404 F., dated 20th October 1879, sanctioned the proposals made in the Joint Report regarding demarcation and management, and directed the preparation of the notifications preliminary to action under Section 4 of the Forest Act, and a Notification under Chapter II, Forest Act (No. 271, dated 8th July 1880), was accordingly issued. The principle on which it was prepared was thus described by the Deputy Conservator of Forests:—

"The object in view is to preserve as large an area of forest as possible, and the proposed reserves therefore include nearly all the compact and continuous blocks of forest in each locality. In the settlement of rights therein the forest rights found to exist should be recorded and regulated rather than commuted............"

In forwarding to Government a supplimentary list of proposed reserves, Mr. Lyall as Financial Commissioner in his Secretary's No. 276 S., dated 24th March 1881, expressed a fear that the effects of reservation under Capter II of the Act might reduce the rights of the people to something very different from the rights which the Joint Report contemplated they should continue to exercise, and the Forest Settlement Officer was accordingly directed by the Punjab Government to be guided by the principles contained in Chapter IV of the Joint Report (see No. 216 F., dated 25th April 1881, from Punjab Government to the Financial Commissioner), and beyond this no special instructions were issued for my guidance.

47. As soon as an attempt was made to define the rights, the Forest Officer asked that the number of cattle allowed to graze and the maximum number of trees to be granted free should be fixed; and Dr. Schlich, Conservator of Forests, wrote in his letter of 2nd May 1881 that, in forests where it was necessary to allow rights, "the maximum number of cattle allowed to graze should invariably be given," and that "for building purposes it was *absolutely* necessary that some maximum should be fixed for each village, but only actual requirements were to be satisfied," but that wherever practicable the deodar localities should be permanently closed and exempted from the exercise of all rights. In forwarding the correspondence for orders (*vide* my No. 66, dated 30th April 1881, and No. 91, dated 24th May 1881), I agreed that with certain unimportant exceptions (grazing of shopkeepers' cows, sale of medicinal roots, bamboos, firewood,) the rights were attached to land paying revenue and were enjoyed by the proprietors and cultivators, and could be sold or alienated and acquired with such land; that the cattle grazed were to be the actual property of the people; and that timber was to be given for the actual requirements of the people as agriculturists; but I refused to fix the maximum number of cattle to be grazed or the maximum quantity of timber to be given. At this stage the definitions were not drafted in a formal manner, but my proposals were practically such as His Honor in paragraph 10 of his 1st note considers sufficient for the purposes of Section 13 of the Forest Act, and the record which I declined to make and which the Forest Officers insisted upon having was the very record to demand which in all cases His Honor has described as to absurd to be enacted. Colonel Davies, C. S. I., Commissioner, while of opinion that Section 13 required the number of cattle to be fixed, pointed out how inapplicable the procedure under Chapter II was to the state of things existing in Kulu, and he suggested that the forests should, as originally proposed, be put under Chapter IV. Mr. Lyall, Financial Commissioner (No. 107, dated 11th February 1882), was "decidedly of opinion that reservation under Chapter II, involving the fixing of the number of cattle to be grazed and of trees to be cut................., was not necessary or expedient.............., and would not be a fair treatment of the rights of the zamindars............," and he "did not think it would be fair to these zamindars or to their descendants to convert each man's free rights of pasturage into a right to graze only a fixed number of cattle, which number could not expand, however much his family increased or his circumstances

improved......................" Upon this correspondence the Punjab Government passed orders (No. 147, dated 1st April 1882) cancelling the notifications under Chapter II and directing that the forests be treated under Chapter IV.

48. The Government of India on receiving intimation of this change considered it desirable (No. 707 F., dated 21st August 1882) that the questions at issue should be further investigated before the Punjab Government committed itself to a fixed policy, and Dr. Schlich, Inspector-General of Forests, was deputed to Kulu to draw up a report after discussion on the spot with the local officers. The Government of India at the same time forwarded a memorandum on the Kulu Forests by Mr. Brandis, from which I make the following extracts :

"It will doubtless be necessary to set apart certain blocks to be closed permanently..................The number of cattle permitted to graze within the reserves, outside the closed blocks, *must* be fixed, although the number which the right--holders may graze in the open forest, not included within the reserves, will remain unlimited...............It is necessary to settle in detail what quantity of timber may be given without payment to each village in the reserve............ I have no doubt that the proper course to follow is...............gradually to effect a separation of the lands to be maintained permanently as forest, and in lieu of some of the rights hitherto exercised in these lands to grant to the people more extensive rights in the forest and waste excluded from the reserves." This memorandum was written under the mistaken idea that, except in the Parbati Valley and the upper part of the Beas Valley, the proposed reserves, containing deodar and kail, were mostly near the ridges and at a distance from the villages, and not, as stated by Mr. Lyall, generally close to or among the cultivated fields and hamlets. "But," Mr. Brandis wrote, "where the reserved forests are close to the villages, this constitutes a difficulty only in the matter of grazing, and this difficulty must be overcome by excluding from the reserved forests areas suitable for pasture in the vicinity of the villages." In this extract as well as elsewhere in the memorandum Mr. Brandis showed that his policy was, as far as practicable, to reserve only areas over which few rights existed, that is, he wanted as reserves areas free or practically free from rights, and where rights were admitted he insisted, as have all Forest Officers, that the number of cattle and the quantity of timber must be fixed. And this policy was accepted by the Government of India.

49. Doctor Schlich visited Kulu and submitted his report, dated 10th December 1882, in which he suggested demarcation under the Rules of 1855, and he drew up certain rules under the Rules of 1855 for the conservancy of the less valuable forests, while the more valuable which he called 1st class reserves were, whenever practicable, to be free from rights, and their boundaries were to be fixed accordingly. He thought that with a few exceptions it would not be necessary to record in 1st class reserves grazing rights, or the right to fallen leaves, or the right to lop except the fodder trees. His policy was to reduce areas (see para. 16 of his report) and secure reserves free or practically free from rights. He admitted that deodar and cultivation went together, but he wanted these very deodar forests, close to villages and burdened with rights, made reserves with few admitted rights, the rights formerly exercised in them being thrown into the distant forests where rights could not be exercised, a course which Mr. Lyall described as confiscation rather than commutation. It is seen then that up to the last the Forest Department demanded reserves free of rights, even though under the Rules of 1855 the record might have been anything we cared to make it. Dr. Schlich's explanation of why the Forest Department insisted upon having the number of cattle and the quantity of timber recorded in the case of reserves under Chapter II further corroborates this allegation. He wrote: "When it was suggested that the number of cattle permitted to graze in the reserves should, whenever practicable, be fixed, it was believed that two-thirds of the forest area was still outside the reserves, and that the bulk of the cattle would graze in them ; but, of course, had it been known that nearly the whole forest area was included in the demarcated blocks, the proposals would have assumed quite a different shape. The same holds good as regards the question of fixing the quantity of timber to be given to each village from the reserves. . . . . In particular near Kothi Barsai, which was selected as an instance by the Forest Settlement Officer, all forest may be said

to be inside the demarcation, and the rights of the kothi must all be provided for in the demarcated area." The demands of the Forest Department to have the cattle and the timber fixed were absolute, and were not qualified by the words "whenever practicable". The forests were to be free of rights "whenever practicable." and when rights to grazing or timber were unavoidably admitted the number of cattle and of trees was to be fiixed. But the point is that the Forest Department did not intend that these rights should be allowed in the reserves except in a few exceptional cases, that is, the reserves were to be free from rights.

50. The Punjab Government in forwarding Dr. Schlich's Report to the Government of India (No. 274, dated 5th July1883) showed that the forests could be effectually conserved under Chapter IV of the Forest Act; and the Government of India accepted the proposal of the Local Government that the bulk of demarcated areas should be treated as protected forests, such restricted areas as the Forest Settlement Officer and the local Forest Officers might agree upon being treated as reserves, on the understanding that this procedure would be carried out in an accommodating spirit. The Government of India pointed out that it was altogether a mistaken view to assume that a forest cannot be declared a reserved forest under Chapter II because the claims to rights are extensive, but it never recorded its dissent from the of repeated demands of the Forest Department, that, whenever a right to grazing was admitted the number of cattle must be fixed, and similarly the quantity of timber, though it was well known that these demands had given rise to the whole discussion. Had the Government of India declared that such a record as His Honor describes in paragraph 10 of his lst note was legally sufficient and was all that the Forest Department required, the area reserved under Chapter II would have been much larger (see paragraph 32 of my report), but the Forest Department said we want reserves free of rights, and if we cannot have them free of rights, we must have the rights recorded in a particular way. This particular record they could not get, and so the forests were treated as "protected" under Chapter IV. Theretically, I am altogether in favour of reserves. I said so as long ago as 1881, and I also may with others express a regret that a larger number of forests were not treated under Chapter II, but that regret arises not from any sense of want on my part in endeavour to secure reserves, but from the demands made by the Forest Department which prevented action being taken under Chapter II. Apart altogether from what that chapter did or not require in the definition of admitted rights, it was the policy of the Forest Department and of the Government of India that maxima should be fixed, and this policy led to the use of Chapter IV for forests where rights were numerous.

51. This is the reason why so many forests were put under Chapter IV, and, with the demands of the Forest Department such as they were, nothing else could be done. The question now is whether all or any of the valuable lst class protected forests should, as suggested by the Conference, be converted into reserves. The answer to this question depends very much on what sort of a record the Forest Department wants, for it may say again as it practically said before—"better protected forests than reserved forests with no maxima fixed for the cattle to be grazed and the trees to be cut." Mr. Hill, Conservator of Forests, was prepared to accept my records for 1st class forests as sufficient for these forests as reserves, provided arbitrary maximum limits for cattle, produce, and so on were fixed. This shows that the Forest Department insisted upon maxima long after my report was submitted and I am not aware that any change in their interpretation of the demands of Section 13 has taken place (see page 322 of Baden-Powell's Forest Law).

Arbitrary maxima might be fixed, *e. g.*, as in the Murre and Kahúta Forests, where the maximum number of cattle allowed was fixed at double the number in the village at the time of settlement, but in the course of the Kulu Settlement the Conservator of Forests appealed against an order allowing only 5 per cent. more than the actual nu mber in the village. If maxima are not fixed, and the record under Chapter II provides for the natural development that is due to peace, security and general prosperity (Baden-Powell's Forest Law, page 326), there would be less gound for Sir James Lyall's objection to Chapter II that it would be unfair to the people and their descendants to convert

the free right of pasturage into a right to graze only a fixed number of cattle; which number could not expand however much his family increased or his circumstances improved. There are advantages in having the forests made reserves under Chapter II, especially in regard to the punishment for fires, but so long as the areas demarcated remain as now, the rights in them must also remain, for it is impossible to set out other forest tracts for their exercise, and commutation is admitted on all hands to be out of the question. The finality of the record of reserved forests, which has so many charms for the Forest Officer, is to me an objection. If the claims were few, mistakes would also be rare, but here the forests are close to the homesteads and are the resort of the people for the supply of all their wants. Under these circumstances a record, however carefully prepared, must be incomplete, and to make it final would be dangerous. Let the forests be put under Chapter IV, and let the Forest Officer devote his time to the 1st class areas and enforce the record in all essential points. In no long time he will ascertain the omissions in the record which should be corrected, and when the record has thus been acted upon and amended then the forests may be put under Chapter II, if such a course is still considered necessary.

I agree. W. M. Y.

52. The first six rules drafted for the preservation of trees on land belonging to private persons are those recommended for adoption in paragraph 20 of the Conference note, modified in accordance with paragraph 25 of His Honor's 2nd note. This latter paragraph referred only to deodar on fields, but the concession made, by which the permission of the Negi is sufficient, has under Rule 5 been extended to all reserved trees on waste belonging to private persons. I have added to Rule 3 the words "or that it is necessary to cut them to allow the owner to cultivate," which were added to Rule 5 under Sir James Lyall's orders. If deodar trees may be cut from possessed waste in order to allow cultivation, surely they may be cut from a field to allow its cultivation to be continued. In accordance with the spirit of the rules as approved by the Conference, a further rule prohibiting the alienation of the trees seems necessary, and such a rule relating to the disposal of trees can be framed under Section 75 (c). It is sufficient to prevent the sale of deodar. Perhaps Rule 7 as drafted is not necessary, and the record may be provided for by executive order; but this rule completes the arrangements necessary for these trees.

Trees on land belonging to private persons.

It has, however, seemed necessary to add two more rules to provide for trees or *nautor*, that is, on forest land broken up with permission since the settlement. Rules 4, 5 and 6 as they stand apply to such trees, though this was probably never intended for *nautor* is "land other than Government forest not recorded as under cultivation at the last re-assessment," for it ceased to be Government forest when it was recorded as the property of the person who broke it up. The trees of the 20 kinds standing on this land have either been purchased at full rates (*see* paragraph 33 of the 2nd note), in which case they are his absolute property, or they have been retained as the property of Government, and in both these cases Rules 4, 5, 6 are not applicable. Hence Rule 9 has been drafted to maintain the rights of Government in the second case, and in the first case none of the rules are applicable. Rule 10 provides for the lopping of the trees on *kut* which has been brought under cultivation and also of the trees on *nautor* in which Government has retained the property.

I accept the rules generally. W. M. Y.

53. In regard to *nautor* generally, I think it will be more convenient for all parties if the applicant is made to pay the price of the reserved trees rather than that Government should retain its property in them. When my record was framed we used to give the land, even if there were two or three trees on it, without demanding payment if the application was *bonâ fide*, and instead of the rule being too rigid (paragraph 33 of His Honor's 2nd note) the Financial Commissioner noted that there was a great increase in the number of applications for waste, and he directed that the full price should be charged for trees, and this no doubt would have an effect. Even if this order had not been given, it would have been necessary to charge for trees on *nautor*, as a royalty is now charged on kail, rai, tos and chil, and, if trees on *nautor* were given free, applications would be made merely in order to get the trees.

54. Colonel Wace suggested that the words "except deodar" should be struck out of the rules for drift timber and that the North-Western Provinces limit of 4 feet in length and 2 feet in girth should be substituted for the words "such size as one man can remove," and these were the changes made by Mr. Fanshawe referred to in paragraph 36 of the 2nd note. As to the second change, I strongly support the original draft by which a man could take away just as large a piece as he could carry, and he was not allowed to reduce its dimensions to enable him to move it. This has all along been the rule, and it is thoroughly understood by every one. I did suggest in paragraph 195 of my report that if a more definite rule was required, the North-Western Provinces limits might be imposed; but on fuller consideration, and after enquiry made at my recent visit to Kulu, I am satisfied that the change would be prejudicial to the people. In the first place, my rule allowed a much larger piece to be removed. A piece 4 feet by 2 feet is no weight to a Kulu man when he likes: he carries a sleeper for long distances. But again, as Mr. Fisher, the Forest Officer, has pointed out, this change opens a door for the constant vexatious interference of the Forest subordinates, who would stop every one to measure his load, and if it was an inch or two over the dimensions might arrest him or take something from him to let him go. Now there is nothing of that kind. I specially examined some pieces of drift timber that were being carried away, and they were in some part above the dimensions now fixed. Such timber is always rough and is generally at some point more than 2 feet in girth. The rule as it is proposed would prevent the removal of much timber that is of great use to the people and none to the Forest Department. I find that in some parts of the North-Western Provinces the rule allows removal of a "load in pieces not exceeding 6 feet in length and 2 feet in girth," and in Bengal it allows removal of timber measuring less than 6 feet in length and 3 feet in girth. If dimensions must be given, I would say a "load in a piece or pieces not exceeding 4 haths in length and 2 haths in girth." But Mr. Fisher has strongly urged that the original draft should be adhered to and I thoroughly agree with him.

Draft timber rules.

It was intended that no one should use an axe on the banks of the river for any purpose, not even to cut up a piece of wood which was already sufficiently small for one man to remove. No one requires to use an axe on the river bank; if he does, it may be safely presumed that he is cutting up timber he cannot remove.

55. There is, however, an objection to the rules as originally drafted which is taken now for the first time. Section 45 raises a presumption that all drift timber is the property of Government, and Notification No 222 F., dated 9th May 1879, issued under this section, declares the same presumption in regard to all unmarked wood and timber on the Beas and Sutlej Rivers and their tributaries, including an area within a direct distance of 5 miles from either bank of the main stream of the said rivers, taking that stream at its cold season level. Much of the fallen timber in forests lies on the banks, or rather in the beds, of nullahs and technically a good deal of it may come within the definition of drift. Again, the area to which Notification No. 222 F. applies includes reserved and protected forests; indeed the whole area is included in demarcated or undemarcated forests except fields and other land belonging to private individuals. It was not my intention when I framed the rules to prevent the people from cutting and removing fallen timber lying in nullahs whatever the size might be, nor to prevent the use of the axe except on the banks of the river and close to them. The rules as to drift timber were never until recently applied except to the river; and to prevent hardship it is necessary to define much more accurately the scope of the notification referred to and also to consider what effect that notification has in regard to reserved and protected forests the rights in which have been defined and for which the rules as to fallen timber are more favourable to the people than the drift timber rules. I may note that as all trees in Kulu are the property of Government except those on cultivated land, and even deodar on such land, the effect of the presumptions raised by section 45 is infinitesimal, though the presumptions are useful in practice as they dispose at once of most claims. But suppose a kail log (unmarked) is lying within the area indicated in the notification, or let it be lying as drift in a nullah now dry but fit to carry logs in the rains, and in both cases on ground which is undemarcated or demarcated

protected forest, could not a right-holder in that forest cut and remove it in accordance with the rules under section 31 and in spite of the limit of 4 feet by 2 feet imposed by the Drift Timber Rule? If this is so it seems to me that timber within the areas included in reserved and protected forests should be excluded from the operation of section 45, and this could be done under the last clause of the section, or the rights of right-holders in these areas should be provided for under the Drift Timber Rules so as to prevent the two sets of rules clashing. It seems also that the matter should be disposed of by notification under section 45 and I submit draft notifications for both drift timber and unmarked timber. The subject may need further consideration; at least this mode of disposing of it is not altogether satisfactory.

Complaints to His Honor.

56. I have considered every true and reasonable complaint in the petitions presented to His Honor while on tour in Kulu, and, wherever possible, relief has been given. But there are many complaints for which there was no relief short of giving up all forest conservancy. I may take the case of Gopalpur Kothi, of which Het Ram is Negi, as his complaints were specially enquired into by Mr. O'Brien. His first serious request was that the five first class forests in his kothi should never be closed. They are all deodar forests, and four of them were demarcated before my settlement began and were subject to strict conservancy. Very little can be closed, as the forests are near villages, but some area can and should be closed when necessary. The next request was that the sheep and goats of the whole kothi should be allowed to graze in them irrespective of their belonging to right-holders or non-right-holders. This request must also be refused. The third was that the lopping of kail, rai and tos and the removal of dry wood be allowed without permission. In one forest where before my settlement lopping was not allowed at all, I allowed lopping under the supervision of a Forest official; but now this restriction is withdrawn. Permission was not necessary to the removal of dry wood. The fifth request relates to fallen pine needles which has been disposed of by His Honor's order. His first request in regard to the second class forest was that a guarantee should be given that the forest be never closed, and the second that grazing should be allowed irrespective of the record. Het Ram is himself a large sheep-owner and a Rasu or manager of grazing runs, and I am told that he had before His Honor's arrival in Kulu tried to exclude some of the sheep of the right-holders in the runs of which he is Rasu, and his request for promiscuous grazing really applies only to runs in which he is not a right-holder, and to the runs in which he is manager, only to this extent that he should be allowed to admit or exclude according to his own pleasure. His third request was that a particular hamlet should have certain rights which Mr. O'Brien pointed out it already had got under my record. As to undemarcated forests, the first request was that the zamindars of the different kothis should make their own arrangements. So far as undemarcated forest is concerned, I am told that the Forest Department did not interfere with the grazing; but, whether or not, the old record and also the new record both allow the existing arrangements to continue, and there can now be no interference on the part of the Forest Department. The second request was that the Negis should be allowed to give building timber. I was in favour of the delegation of certain powers to the Negis, and this matter has been disposed of by paragraph 29 of His Honor's 2nd note. Het Ram also asked that the zamindars be allowed to cut all trees except deodar, kail, chil, rai, tos, without restriction, and that deodar be charged only Re. 1. These two points have been already considered and disposed of. The fourth request was that Chamars should be allowed to remove the bark of oak and of rai. There was no restriction on the felling or barking of oak, and the Chamars can get ample oak bark if they will go for it. The bark of rai is not required, and its removal has not been allowed from before my settlement. This was all that Het Ram could say in regard to the forests, though he has special knowledge of the subject, for he is member of a family to which until recently the head Forest official in Plach belonged, and this latter fact may also in part explain his very decided animus against the Forest Department.

57. Complaints were made in the petitions and also to me verbally, especially on the Plach side, that trees for building purposes were not given from forests where rights were recorded, the ground assigned being that there were no trees fit to mark. In the case of Manglaur Kothi, where this report had been made in

regard to practically all the forests, Mr. Fisher and I visited one of the forests, and before we had walked once through it we counted 40 trees of sufficient size to cut and so situated that their removal did not interfere with forest conservancy. This enumeration probably covered quite a third of the forest which is not large and is in parts inaccessible. No trees had been given from this forest from 1891 because the Ranger had made the false report that there were none suitable. The total area of forests in which the Forest Officer had refused to give timber was, however, only one-twentieth of the whole demarcated area, and in other cases he has assured me that the enumeration of trees fit for felling was fairly correct. Under the rules now drafted trees cannot be refused except under the Deputy Commissioner's orders. A complaint was of course made about the fees now demanded for trees, and further, the people asked that they should now get good trees and somewhat more liberally, as they have to pay for them. Some of the trees marked are better than others. It has accordingly been arranged that holders of permits may select the trees they want from among those marked. This reduces the power of the Forest Guard. Moreover, when only crooked and inferior trees remain, the Forest Officer will give them at a lower price. Mr. Fisher also thought it would be possible to require the literate forest guards to give an order in writing whenever they alleged that an act was illegal. The guards and rakhas certainly pass many orders which are not justifiable; but there will be fewer such orders if the people know that they need not act on verbal directions. When the rules are finally settled, copies will be lithographed in Urdu and *Tankre* and freely distributed or sold at a nominal price, and an explanation will also be given of what the people can and cannot do.

58. I regret the great length to which this report has run. In justice to myself I have taken the opportunity of explaining more fully than before the reasons for certain parts of the record and rules; and I have also tried to meet possible objections. It would be presumption on my part to suppose that the record is complete; but the complaints have been made more against general rules than against the record of particular forests; and I have still no hesitation in stating that if the people get all my record would give them, they can have no good reason for complaint.

APPENDIX IX REVISED.

Draft rules under section 31

(Since modified and issued as Punjab Government Notification No. 507, dated 7th November 1896.)

General conditions for 1*st Class Protected Forests in the Kulu Sub-Division.*

(Modified and accepted by Government—see paragraph 5 of Punjab Government letter No. 306, dated 25th June 1896).

General conditions for 2*nd Class Protected Forests in the Kulu Sub-Division.*

(Modified and accepted by Government—see paragraph 5 of Punjab Government letter No. 306, dated 25th June 1896.

Record of rights and general conditions for the undemarcated forests of the Kulu Sub-Division.

(Modified and accepted by Government—see paragraph 5 of Punjab Government letter No. 306 dated 25th June 1896).

Record of rights held by agriculturists of one Kothi in respect of the 1*st class trees standing in the undemarcated forests of other Kothis.*

(Accepted as above apparently without modifications.)

(Printed with the notifications.)

APPENDIX X REVISED.

Draft Rules under Section 75 (c).

(Issued as Punjab Government Notification No. 287, dated 1st June 1896)

APPENDIX XI REVISED.

Draft rules under section 45

(Amplified and issued as Punjab Government Notification No. 286, dated 1st June 1896.)

No. $\frac{360 \text{ J.}}{111\text{-}5.}$, dated Jullundur, 8th February 1895.

From—Colonel C. F. Massy, Commissioner and Superintendent, Jullundur Division,

To—The Senior Secretary to the Financial Commissioner, Punjab.

In continuation of correspondence ending with my letter to you, No. 2870 of 16th October last (to which no reply has been received), I now beg to enclose a copy of letter No. 136 of the 2nd instant, with annexures in original, from the Deputy Commissioner of Kangra, forwarding a revised list of closed areas under the Kulu Forest Rules, to be substituted for Statement VIII of the report already submitted.

2. Mr. Anderson asks for orders to guide him and the Deputy Conservator of Forests regarding the procedure under which areas may in future be closed, and he explains the case in the second paragraph of his letter. He advises that it be ruled that no area be closed unless with the formal sanction of Government; and in this he is of course right. And he asks that the areas now specified in his list be notified as closed for a period not exceeding twenty years, after the forests have been declared protected under Chapter IV of the Act.

Enclosures are Nos. 12-19 in Forest Proceedings, March 1896: the revised statement is incorporated in Punjab Government Notification No. 283, dated 1st June 1896.

Lahore, 2nd April 1895.

My dear Anderson,

Your No. 1427, dated 21st September 1894, regarding Kulu forests.

There are some points which are not clear to me, will you please record your remarks in the margin and return this to me.

My dear Mr. Young,

I have answered the questions below and added some information.

I. Is the following list of the papers constituting your record correct?

I. "Record". This list 1—19 is a correct list of the papers now submitted for orders, which is what you no doubt mean by record. I have noted which of these papers are included in the "Records of-rights" made under Chapter II and Chapter IV.

1. Draft notification for reserved forests, Appendix I (to be revised).

This notification has issued—No. 298, dated 12th May 1894, and the reserves are for the present disposed of. The boundaries may be described somewhat more definitely by a new notification, but the matter is not urgent.

2. Draft notification for 1st class protected forests, Appendix II (to be revised).

3. Draft notification for 2nd class protected forests, Appendix III, (to be revised).

A revised notification making some few changes in the *description* of the boundaries (but not any change in the actual areas) of 1st and 2nd class protected forests is almost ready.

4. Draft notification for 3rd class protected forests, Appendix IV, as amended.

All these four notifications 1—4 are part of the "Record-of-rights" in so far as they describe the areas to which the record applies.

5. Draft notification as to reserved trees in 1st, 2nd and 3rd class protected forests, Appendix V.

This is not part of the "Record-of rights." In no part of the "record" is any reference made to reserved trees. The reservation of trees is an act of the Local Government, and, though no doubt based on the "record," is no part of it.

6. Draft notification as to prohibitions in 1st and 2nd class forests, Appendix VI, as amended.	This is similar. It is not in the "Record-of-rights," but the notification must not prohibit any act done in the exercise of any right recorded—see section 33.
7. Draft notification as to closed areas, Appendix VIII (to be revised).	This is not in the "Record-of-rights." A revised notification bringing the list up to date has been already submitted through Commissioner.
8. Rules under section 31 of the Act for protected forests, Appendix IX, as amended at page 30 of your letter.	This is not in the "Record-of-rights," but nothing in the rules can prohibit any act done in the exercise of a recorded right, section 33.
9. Exemptions under section 45 of Act, Appendix XI, as amended at page 50 of your letter.	This also has no place in the "Record-of-right," but it was necessary to frame rules and prevent these rules clashing with the rules under section 31.
10. Draft Rules under section 75 (*c*) regarding trees on private lands as amended at page 50 of your letter (Appendix X revised).	This is not part of the "record" under Chapter II or Chapter IV, but it is necessary to a complete treatment of the rights (forest) of Government and of the people in Kulu. These rules do not require the sanction of the Governor-General in Council—see section 77 of the Act.
11. General conditions for reserved forests, page 3 of Volume II, Part I of report, not amended.	
12. Record-of-rights in reserved forests, pages 5—17 of Volume II, Part I of report, not amended (11 and 12 constituting the record under sections 11 sq. of the Act).	Yes: these two constitute the "record" under Chapter II for areas to be declared reserves by 1.
13. General conditions for 1st class protected forests, Appendix X, with your letter at page 43.	
14. Record-of-rights in 1st class protected forests in Kulu Proper, Inner Seoraj and Outer Seoraj and Waziri Rupi, contained in Volume II, Parts I and II, as amended in black ink and red ink.	
(13 and 14 constituting (with 19) the Record-of-rights under section 28 of the Act for 1st class protected forests.)	Yes: these form "the Record-of-rights" under Chapter IV for the areas to be declared protected forest by 2.
15. General conditions for 2nd class protected forests in Appendix X, at page 36 of your letter.	
16. Record-of-rights in 2nd class protected forests in Kulu Proper, Inner Seoraj, Outer Seoraj and Waziri Rupi, in Volume II, Part II, as amended in red ink.	
(15 and 16 constituting (with 19) the Record-of-rights under section 28 of the Act for 2nd class protected forests.)	Yes: these form the "Record-of-rights" for areas to be declared protected forest by 3.

17. Record-of-rights and general conditions for undemarcated forests, Appendix X, page 38 of your letter.

18. Record-of-rights held by agriculturists of one kothi in respect of 1st class trees standing in undemarcated forests of other kothis, page 39 of your letter.

(17 and 18 constituting (with 19) the record under section 28 of the Act for 3rd class or undemarcated forests.)

Yes: these form the "Record-of-rights" for areas to be declared protected forest by 4.

19. General conditions regarding rights of the Rai of Rupi in the protected forests of the Rupi jagir at the end of Volume II, Part II, of report, as amended in red ink.

You will see that there is no reference to the Rai of Rupi in the *Rules*; I mean no reference to his special rights. The rules do not apply to him; but I did not think it necessary to make a rule exempting him, as his rights are covered by section 33 as the rules cannot prohibit any act done in the exercise of a recorded right, and his rights are recorded. I mention this as a matter for your consideration.

II. No. 11 in the above does not seem to have been amended in accordance with paragraph 26 of His Honour's note of 2nd September 1893.

There was some demi-official correspondence with Douie about the issue of the notification for the reserves (Notification No. 298, dated 12th May 1894). I cannot put my hands on it now, perhaps I sent the letters back to the Revenue Secretary, but my recollection is that it was agreed in that correspondence that the record of the reserves could not be changed now. It was final, and right or wrong had to stand. That is still my opinion. Perhaps the demi-official letters will be found with the Revenue Secretary. The condition objected to has served its purpose, and it is now immaterial whether it stands or not.

Nor can I find any rule regarding the price to be charged for timber for building puroposes and for the four special tree s, *viz.*, deodar, box, ash and walnut in reserved forests, as recommended by the Conference (paragraph 6) and accepted by His Honour (paragraph 26 of note of 9th January 1894).

Please explain.

Please see paragraph 44 of my letter. His Honour held that no charge could be made under the Forest Act for any trees to which the people had a right—see paragraphs 11, 18 and 19 of his second note—but the rights, being assets of the land-holders, can be assessed to land revenue, and that applies to rights in reserves as well as in protected forests. All reference to the payment for trees has been excluded from the Forest Record and Rules (except paragraph 1 (1) of reserved forests which cannot now be touched and rule 11): but the matter has been arranged for as part of the land revenue settlement. It was done demi-officially, and I forward copies of the correspondence with the Revenue Secretary and of my official letter to the Assistant Commissioner, Kulu. The instructions issued cover all grants of trees of the specified kinds, whether given from reserved or from protected forests. You will note that the rule

now in force is exactly the same as the Conference Rule, but it is enforced as part of the revenue settlement, not of the forest settlement.

III. Would it not be well to add the words "without the permission of the Assistant Commissioner in writing" before the 2nd clause of Rule 8 on page 31 thus embodying the exception noted in your paragraph 17.

It was to allow section 33 of the Act to take effect in regard to the record made by me: but your proposal is an improvement, as it draws attention in the Rules to the fact that there are certain exceptions. All I would ask is that executive instructions be given to the Assistant Commissioner that his permission is limited to the cases referred to in paragraph 17 of the report. It will be sufficient if this fact is noted in your forwarding letter. The Forest Department can then raise no objection.

IV. Have you considered His Honour's remarks in paragraph 31 of his 2nd note about bark for dyeing? I cannot find any mention of the subject.

Yes: I considered the matter. Please see part marked in paragraph 56 of report. All right-holders (and chamars as tenants, if not proprietors, would always be right-holders) can remove bark of oak trees without any restriction in 2nd class and undemarcated forests. You know how common the oak is in all parts of Kulu, and chamars can always get oak bark, which is all they want. The barking of rai has been forbidden for many years, and is quite unnecessary as well as destructive.

V. Paragraph 43 of your letter. Does this refer only to protected forests, or to the Rupi forests also? If the latter, it does not appear to be in accordance with your record at the close of Volume II, Part II—see heading V relating to shooting and sport.

In writing this paragraph I was thinking only of protected forests, and the case of the Rai has been all through looked upon as special. A record was made in his case: and I should have noted the fact in paragraph 43 to prevent misunderstandings.

This paragraph was written with reference to Sir James Lyall's note and paragraph 11 of His Honour's 2nd note. The rule to which His Honour objected has been removed, and thus shooting is not forbidden. But it may be said that omission from the record does not decide the question of right: and perhaps I should have decided whether there is a right to shoot or not.

The rights in reserved forests have been separately recorded, and there are rules under the Act as to hunting and shooting in reserves.

VI. Your paragraph 55 and Commissioner's paragraphs 18 and 19. What is required in regard to drift timber? I understand that you wish to reserve the presumption in favour of Government in regard to all large timber found in the beds of the four principal rivers between certain limits. If so, would you approve of the following notification?

My object was to limit the operation of the drift and unmarked timber rules to the rivers and to drift timber, and to exclude from their operation the reserved and protected forests. My draft Appendix XI revised allowed fields and waste not included in a reserved or protected forest to remain under the provisions of section 45 and Notification No. 222-F. Yours excludes all such fields and waste

except in so far as they may fall within high-water level, and thus we may say all are excluded.

I quite approve of what you suggest, it does all that I wanted. This notification removes from the operation of the drift and unmarked timber rules all Kulu except the areas within high-water level of certain rivers up to certain limits, and within these areas all small pieces of timber may be removed by any one.

"Under the provisions of section 45 of Act VII of 1878, the Hon'ble the Lieutenant-Governor is pleased to exempt from the provisions of the said section, and from the operation of Punjab Government Notification No. 222-F., dated 9th May 1879, all timber in the Kulu sub-division of the Kangra district, except that which is found lying within high-water level of the following rivers between the limits named :—

River.	*Limits.*
Beas	———to———
Sutlej	———to———
Sainj	———to———
Parbati	———to———

Provided that any pieces of timber so found shall also be similarly exempted if—

(*a*) they are of such size that they can be carried by one man, and

(*b*) they have not been cut up in order to reduce them to this size."

There are other streams besides these four, the Tirthin, the Fojlati, the Sarvari, etc. The details can be settled later. I have asked the Forest Officer to give me a list of streams, with limits.

And add a rule to your Appendix IX revised, page 30 of your letter.

Subject to the provisions of rules 20 and 21 pieces of timber found lying within the high-water level of the following rivers between the limits named may be taken by any person if—

(*a*) they are of such size that they can be carried by one man, and

(*b*) they have not been cut up in order to reduce them to this size :—

River.	*Limits.*
Beas	———to———
Sutlej	———to———
Sainj	———to———
Parbati	———to———

This rule can only apply in so far as the areas defined are included in protected forests. There may here and there be a field or a piece of occupied waste below high-water level. Would it be necessary to add "in so far as these areas are within the limits of protected forests" or "in so far as these areas are protected forests." ?

Please return the three volumes of your report sent herewith with your reply.

Yours sincerely,
W. M. YOUNG.

In some places I have added in the rules and record the words "by right-holders"—(see paragraph 23 of His Honour's note on Kangra). I do not myself think the words necessary in Kulu, *e. g.*, "acquired in the exercise of rights" can only mean in Kulu "acquired by right-holders in the exercise of rights", for none but right-holders could acquire *in the exercise of rights*. In Appendix X, paragraph 5,

the words are used, but they have been omitted by mistake in the corresponding rule. In some of the rules, the addition of these words makes the rule more definite. In Kangra "right-holder" has a special meaning and the change is necessary there.

I return the copy of the rules, etc., received, so that the changes made may be noted in the copy submitted to Government.

The three volumes are also returned.

Yours sincerely,

ANDER ANDERSON

April 10, 1895.

In Kangra the proprietors of the soil have certain rights *as proprietors:* "right-holders" there means persons having rights of user over the property of others. This distinction does not exist in Kulu, as the soil and trees both belong to Government. In Kangra certain kinds of forest produce, *e. g.*, grass, is taken by the proprietors *in virtue of their proprietary rights*, and Sir James Lyall held that it could therefore be sold by proprietors : but grass is also taken by "right-holders", that is by zamindars having *a right of use to cut grass from the land of others*, and the question has been raised whether such grass acquired by "right-holders" can be sold. This point arises only in Kangra, but the addition of the words in the Kulu rules and records makes the context more definite, and may save doubts.

ALEXANDER ANDERSON.

MY DEAR SYKES,

I return the demi-official correspondence with Mr. Fisher and submit—

(*a*) draft notification under section 45,

(*b*) draft Rule 28 to be added to Appendix IX revised.

2. The first is exactly as it was drafted by Mr. Young, the limits being definitely recorded, and the pillars will be erected as soon as orders are issued. It would be convenient for those who have to enforce the rules and notifications if Mr. Young would indicate in the letter to Government what is the effect of this notification. I understand that it leaves matters (except in the areas defined) exactly as if section 45 of the Act did not exist. No right or privilege is conferred on the people which they do not possess independently of the notification, *e. g.*, it does not allow the people to remove deodar lying in protected forests outside high-water level, because such timber is by the Forest Record-of-rights the property of Government and its removal is forbidden by the rules.

3. But within high-water level all timber (drift and unmarked) will be presumed to belong to Government, and with the exception of small pieces it may not be collected (or removed) except by a Forest Officer or other person entitled under section 51 to collect it (see section 45). In so far as this area is in protected forest, the rules drafted by me allow the removal by right-holders

of all timber (except deodar, walnut, box and ash) *of any size.* There would thus be a conflict between the rules and the provisions of section 45, and to remove the conflict it is not enough to allow under the rules the removal of small pieces of all kinds of timber, it is also necessary to forbid the removal of large pieces of all kinds. The rule as now drafted differs in this respect from Mr. Young's. The addition now made seems to me, on further consideration, to be necessary. Without it, the right-holders could remove kail and other logs from the bed of the rivers, without regard to size: or at all events the rules would allow them to do so, and the Government notification and section 45 would forbid them.

4. It may be objected that the rule prohibiting the removal of timber above a certain size found lying in protected forests within high-water level is contrary to the Record-of-rights and is *ultra vires* under section 33. This may be a valid objection as the record stands, and an addition should be made to each record (1st class, 2nd class and undemarcated forests) to the following effect :—

"Timber lying within high-water level of large streams has not been removed, except small pieces which one man can carry."

This allows all that the people have been accustomed to get. In the record there need be no mention of the streams. In this as in other cases, the *regulation* of the right would be provided for in the rules.

The rules are based on the principle of allowing what is not prohibited, hence it seems necessary to have a rule such as has now been drafted. It leaves matters exactly as they were before, except that there can be no conflict between the rules and the notification.

DHARMSALA : } Yours sincerely,
May 28, 1895. } ALEXANDER ANDERSON.

DRAFT NOTIFICATION.

Under the provisions of section 45 of Act VII of 1878, the Hon'ble the Lieutenant-Governor is pleased to exempt from the provisions of the said section and from the operation of Punjab Government Notification No. 222-F., dated 9th May 1879, all timber in the Kulu sub-division of the Kangra district, except that which is found lying within high-water level of the following rivers within the limits named (For list see Punjab Government Notification No. 286, dated 1st June 1896) Provided that any pieces of timber so found shall also be similarly exempted if :—

(*a*) they are of such size that they can be carried by one man, and

(*b*) they have not been cut up in order to reduce them to this size.

DRAFT RULES UNDER SECTION 31.

Rule 28. (1) Subject to the provisions of Rules 20 and 21 pieces of timber of all kinds found lying in protected forests within the high-water level of the following rivers within the limits named may be taken by any person if—

(*a*) they are of such size that they can be carried by one man, and

(*b*) they have not been cut up in order to reduce them to this size.

(List as in the Notification).

(2) Notwithstanding anything in these rules, no timber found lying in protected forests within the areas defined in sub-section (1) may be removed except in accordance with that sub-section.

or

Rule 28. Notwithstanding anything in these rules no timber found lying in protected forests within the high-water level of the following rivers within the limits named may be removed :—

(List as in the Notification).

Provided that, subject to the provisions of Rules 20 and 21, any pieces of timber so found may be removed by any one if—

(*a*) they are of such size that they can be carried by one man, and

(*b*) they have not been cut up in order to reduce them to this size.

No. 137, dated Lahore, 6th March 1896.

From—R. G. Thomson, Esquire, Revenue Secretary to Government, Punjab,

To—The Senior Secretary to the Financial Commissioner, Punjab.

I am directed to acknowledge the receipt of your letter No. 28 C., dated the 7th of June 1895, forwarding the further report by Mr. Anderson called for in my letter No. 198, dated the 16th of March 1894. Sir Dennis Fitzpatrick has recently had the advantage of discussing the case personally with Mr. Anderson, and I am now to communicate orders on those points on which he considers that further instructions are required. It must be understood that all proposals made by Mr. Anderson and concurred in by the Financial Commissioner, which are not specially referred to in this letter, have been accepted by the Lieutenant-Governor.

2. It will be convenient to deal with the various matters on which orders are required in the order in which they are discussed in Mr. Anderson's supplementary report, and to begin with the draft notifications referred to in his paragraphs 3 to 6.

3. The Lieutenant-Governor approves of the draft notifications constituting the areas specified in each as—

(*a*) 1st class demarcated,

(*b*) 2nd class demarcated, and

(*c*) undemarcated

protected forests. He also approves of the notification to be issued under section 29 A of the Forest Act, declaring certain classes of trees in the protected forests to be "reserved," and also of the notification closing certain areas with the modification suggested by the Financial Commissioner.

4. With reference to the notification prohibiting certain acts in the demarcated forests, the only remark which Sir Dennis Fitzpatrick wishes to make is that the course to be taken in regard to the burning of lime or charcoal in any forest depends upon what is recorded regarding the forest under section 28. If a right to burn is recorded under section 28, a prohibition against burning under section 29 would (see section 33) be inoperative. In that case all we could do would be to regulate the exercise of the right by a rule under section 31, and, if that rule required a permit to be taken out, what the Lieutenant-Governor said in paragraph 40 of his second note would apply. If, on the other hand, no right to burn is recorded under section 28, a prohibition can be issued under section 29, and it would probably be desirable to issue such a prohibition except under the special permission of the Forest Officer, as that would put the matter much more under control, inasmuch as it would be in the absolute discretion of the Forest Officer in this case to refuse the permission if he thought fit.

5. With reference to the general question of the authority conferred by section 31 of the Act in regard to the framing of rules discussed in paragraphs 8 to 10 of Mr. Anderson's report and paragraph 22 (*iv*) of your letter under reply, I am to remark that what the Lieutenant-Governor said was that rules under section 31 (*l*) must only regulate the exercise of the right, and not affect its substance (paragraph 16 of his first note), and, if the Government Advocate in the passage quoted is referring to a rule which purported to give the Forest Officer an absolute discretion to refuse a permit and so practically destroy a right-holder's right, Sir Dennis Fitzpatrick entirely agrees with him. But, if the rule was one which, properly interpreted, would be understood in the sense referred to in paragraph 40 of the Lieutenant-Governor's second note, it would in his opinion be a perfectly good one; otherwise the power to regulate given by the Act would be nugatory, for there could be no more moderate and reasonable regulation of a right than to require the right-holder to apply to a certain officer for a permit (in the sense explained in paragraph 40 of the second note) before proceeding to exercise his right. As regards the suggestion that a restriction like that as to the height up to which a tree may be lopped should be inserted in the record of rights, it would be perfectly correct if that restriction was part and parcel of the customary right. But the Lieutenant-Governor thinks it is extremely

unlikely that this would be the case, and if it was not, if it was a mere arbitrary restriction invented by our officers (perhaps by the Forest Settlement Officer himself) with a view to minimizing the damage to the tree, it would be wrong to insert it in the record of rights. On the other hand, it might be a very reasonable regulation to impose on the exercise of the right under section 31 (*l*) of the Act. This question is further discussed in the next paragraph with special reference to Rule 11.

6. The Lieutenant-Governor has a few observations to make on certain of the draft rules under section 31 of the Forest Act discussed in paragraphs 11 to 29 of the supplementary report.

Rule 3.—With reference to Mr. Anderson's remark on the definition of the word "cattle" in the 11th paragraph of his report, I am to explain that it was not His Honor's intention in paragraph 35 of his second note to raise any question of the right to graze horses, but merely to point out that it would be absurd to worry people by preventing them grazing horses. However, as Mr. Anderson finds that the right exists, it should of course be recorded as he proposes.

Rule 7.—It was suggested in paragraph 30 of the second note that no restriction limiting grazing to the recorded right-holders need be imposed in the 2nd class demarcated forests, but, after considering the remarks made by Mr. Anderson in his 16th paragraph, in which the Financial Commissioner concurs, Sir Dennis Fitzpatrick agrees with them in thinking that further consideration shows that this concession is unnecessary and inexpedient. Mr. Anderson's third draft of this rule should therefore be adopted.

The Lieutenant-Governor agrees with what Mr. Anderson says in his 16th paragraph as to the object and effect of the proviso to this rule. It does not either add to, or subtract from, the rights a man is shown in the record to possess. It simply says that, whatever his rights may be, we will not interfere with him as long as he does not graze more than 30 per cent. more sheep and goats than he possessed at a certain time. The proviso, however, should run "nothing in this rule" instead of "nothing in that record."

Rule 10.—As noted by Mr. Anderson in his 19th paragraph, the Conference proposed to make certain concessions to persons other than right-holders; but Sir Dennis Fitzpatrick agrees that, so far as the demarcated forests are concerned, the record of rights should be adhered to, and the first draft of Rule 10 is therefore approved. But the rule should be restricted to these forests, and the case of the undemarcated forests separately dealt with in the manner described in paragraph 16.

Rule 11.—The Lieutenant-Governor approves of the clause inserted after proviso (2) (*b*) to Rule 11, prohibiting the removal without a permit of dry trees from forests that have been burned. Mr. Anderson has argued in his 22nd paragraph that this clause is not *ultra vires*, because the right of the people "extends only to timber and trees that have fallen from natural causes." His Honor does not think there is any question of *ultra vires*, the requiring of a permit being a mere matter of regulation.

Sir Dennis Fizpatrick does not think that rules of the nature referred to in paragraph 23 of Mr. Anderson's report are *ultra vires*. It is no objection to them to say that they "interfere with the exercise of the rights," for any rule made "to regulate * * the exercise of rights" must do that, and he does not think that they "prohibit an act done in the exercise of a recorded right," except in the sense in which a rule requiring a right-holder not to cut unmarked, but only marked, trees would. The real question is whether such rules interfere with the substance of the right, and that, the Lieutenant-Governor agrees, they do not. He observes that Colonel Massy in paragraph 5 of his letter suggests that it would be better to provide for such restrictions in the record prepared under section 28 of the Act, and so no doubt it would, if they were restrictions imposed by pre-existing custom; but as a matter of fact, they are new restrictions devised by us, and so the alternative to providing for them in the rules would be to abandon altogether the idea of imposing them.

Rule 13.—The Lieutenant-Governor accepts Rule 13, except that the proviso should begin as follows: "provided that when the Deputy Commissioner has decided on the report of the Forest Officers that in the then state of that

forest the cutting of trees there would tend to its destruction, the trees granted shall be marked in another forest, &c."

Rule 20.—As noticed in Mr. Anderson's 27th paragraph, the Lieutenant-Governor in paragraph 23 of his note on the Kangra Forests expressed a doubt whether this rule was within the powers conferred by the Forest Act. But he considers that there is no necessity to further discuss the question.

Rule 27.—Instead of "the permission of the Assistant Commissioner," we should say "a permit from the Assistant Commissioner." If we say the former, it might be understood that the Assistant Commissioner could arbitrarily refuse permission (see paragraph 40 of the Lieutenant-Governor's 2nd note).

7. Turning now to the record of rights for the different classes of forests (paragraphs 30 to 44 of the supplementary report), I am to make the following observations.

8. With reference to the change in the record regarding the question of a right to take grass for sale mentioned in paragraph 31 of the report, Sir Dennis Fitzpatrick in the 31st paragraph of his first note merely referred to what Sir James Lyall had written on the subject and said that it should be considered. For himself he cannot but doubt whether a right of the nature of *bartan* or *profit a prendre* to take anything for sale could exist anywhere. It may be added that paragraph 5 of the general conditions for all classes of protected forests, in so far as it admits a right to take for sale, is inconsistent with the second portion of paragraph 4. The record, however, is under the Act only presumed to be correct, and the Lieutenant-Governor is content to leave this small matter in Mr. Anderson's hands.

9. After considering what Mr. Anderson has written in his 34th paragraph, the Lieutenant-Governor thinks that paragraph 10 of the general conditions should be modified, and that paragraph 11 should be struck out altogether. He considers that Mr. Anderson is justified in inserting in his record of rights the provision that all rights are subject to the limitation that they may not be exercised to such an extent as to endanger the existence of the subject matter over which they are exercised. The further provision that, when the forest would be in danger of being destroyed if the rights were exercised to the full extent, and in consequence the exercise of the rights must be limited, then the extent to which each man should exercise his right should be in proportion to the revenue paid by him, is justified, if, as is probably the case, it is in accordance with the ideas of the people. But assuming this to be so, the working out of it by the Government seems to be a matter to be provided for by the rules made under section 31 of the Act. Sir Dennis Fitzpatrick would accordingly in paragraph 10 omit the passage "and Government may * * * * in any forest" and substitute for it "If the exercise of the rights as admitted would endanger the existence of the forest, a limitation must be placed on the exercise of those rights," and he would then make a rule saying that in the case referred to the Forest Officer, with the sanction of the Deputy Commissioner, may define by numbers or otherwise the aggregate extent to which the rights can safely be exercised over the forest and the extent to which each right-holder is in accordance with paragraph 10 of the general conditions entitled to exercise his right. Sir Dennis Fitzpatrick does not understand what justification there can be for paragraph 11. If any right-holder pushes the exercise of his right beyond what is needed for the purposes for which his right is recognized in the record, he thereby breaks one of the rules made under the Act and should be punished. But his doing so would not warrant our modifying the rights, as the record would authorise us to do only when the forest proves insufficient to meet the claims of all the right-holders. Paragraph 11 should therefore, as noted above, be omitted.

With reference to what is said in paragraph 35 of the report, I am to explain that when Sir Dennis Fitzpatrick suggested in paragraph 21 of his second note that, pending a proper examination of a forest by some superior Forest Officer, no one should be debarred from the exercise of his rights except by the special order of the Deputy Commissioner, he intended to propose an adminis-

trative instruction which assumed the rights to be limited by the capabilities of the forest. But the point will be sufficiently provided for by the rule proposed above.

10. A suggestion is made in paragraph 36 of the report that a rule may be necessary to the effect that, "notwithstanding anything in the record of rights, all rights of way and water-courses shall remain open." If, as the Lieutenant-Governor gathers, the intention is not to interfere with the use of any paths, the simplest plan is to make no rule on the point, but to issue an executive instruction that care must be taken that the use of paths, even though unrecorded, is not interfered with by Forest subordinates on the pretext of prosecuting for illicit grazing or otherwise.

11. With reference to what Mr. Anderson has noted at the end of his 36th paragraph, the words "as such" should be inserted after the words "the Jagirdar of Rupi Waziri" in the concluding paragraph of the general conditions for all classes of forests.

12. To advert next to the mode of preparing the record of rights for the undemarcated forests and the rules in so far as they relate to those forests. Sir Dennis Fitzpatrick no doubt did, as noted by Mr. Anderson in the 40th paragraph of his letter, agree to the course now proposed. But on further consideration he thinks it is open to objection, as indeed every course that can be suggested must under the circumstances be. The truth is that, in order to avoid an almost impracticable investigation and one that would be likely to involve the people in interminable and extremely worrying disputes, we are seeking some way of doing a thing which those who framed the Act never contemplated should be done, and which is, at least from a theoretical point of view, open to objection.

13. It is unnecessary to recapitulate here the reasons which led the Lieutenant-Governor to object in paragraph 43 of his first note to the course originally proposed by Mr. Anderson; but it is due to Mr. Anderson to recognize what he now brings to notice, namely, that in proposing that course he followed a precedent set by Sir James Lyall in the cases of the Shahpur-Kandi forests.

When Sir Dennis Fitzpatrick objected to that course being taken, the Kulu Conference proposed the alternative referred to in paragraph 24 of his second note and paragraph 10 of his note on the Kangra forest settlement, and he was disposed to adopt that alternative, but Mr. Anderson raised what was manifestly a strong objection to it. He now proposes an amendment which would undoubtedly get over his own objection, but, on fully considering the matter, Sir Dennis Fitzpatrick is inclined to think that, with a choice of difficulties before us, it is better to fall back on a certain modification of Mr. Anderson's original proposal which will presently be described. There are in fact, even with Mr. Anderson's amendment, two objections to the course proposed by the Conference which seem to the Lieutenant-Governor weightier than they did at first. One is that, contrary to the intention of the Act and to the instructions of the Government of India, it concedes in the record of rights, and that on a very extensive scale, rights which have never been enjoyed. It in fact, subject to the limitation imposed by Mr. Anderson's amendment, concedes to every zamindar and cultivator in Kulu over each undemarcated forest in Kulu the same rights over that forest as have hitherto been enjoyed only by those living in its immediate vicinity. Secondly, it introduces the anomaly of making these concessions good against the Government only, leaving them open to be contested among the zamindars themselves. It may be that in most parts this anomaly would not, at least for some time to come, give rise to any practical difficulty. But there certainly is a danger that, if by putting the extraordinary entry suggested into our record of rights, we tempt people, who have never exercised any rights over a forest, to come in and claim to exercise rights on the same footing as those who have hitherto been exercising them, we may raise up difficulties of the sort referred to by Mr. Anderson in speaking of grazing in 2nd class forests (see his paragraph 16).

14. The Lieutenant-Governor regrets to add to the immense trouble Mr. Anderson has had over this work by resiling from the approval he gave to the device proposed by the Kulu Conference. But, with a choice of evils before

us, he thinks it best to fall back on a modification of Mr. Anderson's, or perhaps he should say Sir James Lyall's, original proposal. The great objection to that proposal was that it directly subjected a man to criminal penalties for doing an act of which it might be difficult to say without a complicated inquiry whether it would be an offence or not. It imposed a penalty on a man for doing certain things except in the exercise of a right over an undemarcated forest without settling what his rights were. Now this, Sir Dennis Fitzpatrick thinks, we can by a little management avoid doing by so framing our rules that, when any question as to a man's right is not definitely settled by the record, they will impose no penalty on him for anything which would not be an offence even if that question were determined in his favour.

No doubt even with this modification the original proposal will not be altogether free from objection from a theoretical point of view, inasmuch as it puts it in the power of the Executive Government to impose restrictions and make regulations the infringement of which would make a man liable to a penalty without giving him the protection afforded by a complete record; but we can trust the Executive Government not to do such a thing, and so may ignore this possibility.

15. Proceeding on these lines, Sir Dennis Fitzpatrick will endeavour to give an idea of the way the revised record of rights and the revised rules now submitted by Mr. Anderson would have to be amended. He cannot undertake to draft the required amendments in proper form, but can only indicate the sort of amendments that seem to be necessary. His suggestions are put in the form of draft amendments merely because that is the simplest way of explaining his meaning.

16. To begin with the record of rights. Paragraph 12 (11) (which it will be more convenient to number as paragraph 13) of the record of rights and general conditions for the undemarcated forests would have to be altered so as to run somewhat as follows :—

"Proprietors of cultivated land in the Kulu Sub-Division assessed to revenue and their agricultural tenants may exercise over the timber and trees of the 1st class in undemarcated forests situated in kothis other than that in which their land is situated only such rights as have been admitted to them in the detailed record for each kothi. For the rest, they may exercise in any undemarcated forest all or any of the rights mentioned above to which they are now entitled, provided that such rights shall be exercised subject to the limitations and conditions laid down in this record."

17. The rules in Appendix IX as revised would have to be altered as follows :—

(1) In the last alternative form of Rule 7, which has been accepted in paragraph 6 above, after the words " The grazing of cattle " the words " in demarcated forests " should be inserted.

(2) After Rule 7 insert the follwing :—

7A. Except as provided in Rule 21, no person, other than proprietors of cultivated land in the Kulu Sub-Division assessed to revenue and their agricultural tenants, shall graze cattle in the undemarcated forests.

7B. No such proprietor or tenant shall graze in any undemarcated forest any cattle except cattle kept by him for his own domestic or agricultural (not including pastoral) purposes.

Provided that nothing in this rule shall prevent any such proprietor or tenant from grazing any number of cows, &c. (as in paragraph 7 of revised Appendix IX).

(3) In Rule 8 for " last preceding rule " read " last three preceding rules. "

(4) In the first draft of Rule 10, which has been accepted in paragraph 6 above, after the words, " timber and trees " insert the words " in demarcated forests. "

(5) After Rule 10 insert the following :—

10*A*. Except as provided in Rule 21, no person other than proprietors of cultivated land in the Kulu Sub-Division assessed to revenue and their agricultural tenants shall lop, cut, bark, ring, or remove timber or trees in any undemarcated forest.

10*B*. No such proprietor or tenant shall lop, cut, bark, ring, or remove any timber or trees reserved by notification No. , dated , in an undemarcated forest situated in a kothi other than that in which his land is situated except in the exercise of a right admitted to him in the detailed record for such kothi.

10*C*. No such proprietor or tenant shall lop, cut, bark, ring, or remove any timber or trees in an undemarcated forest except for his own domestic or agricultural (not including pastoral) purposes, nor shall he do so for any such purpose unless it falls under one of the headings in paragraph 12 of the record of rights and general conditions for the undemarcated forests of the Kulu Sub-Division.

(6) For the words at the beginning of Rule 11 before the words " timber and trees " insert the words " except as provided in Rule 11 A."

(7) For the proviso to Rule 11 substitute a rule as follows :—

11*A*. No permit is necessary for doing any of the acts next hereinafter mentioned, but nothing in this rule shall confer upon any person any right not recorded in the record of rights as enjoyed by him. The acts referred to are as follows :—

(1) The cutting and removal of stumps of any kind, &c., &c., as in Rule 11 of the draft.

18. Mr. Anderson's statement in paragraph 41 of his report that it is competent to the Assistant Commissioner to correct the record is not strictly accurate. The Lieutenant-Governor cannot find any power anywhere to amend a record which has once been declared " sufficient " by the Local Government under section 28 of the Forest Act. But what Mr. Anderson proposes can in substance be done by making a note in the margin of the record of any error at any time discovered in it.

19. In his 42nd paragraph Mr. Anderson has noted that he has embodied in the record of rights for the protected forests of the Rupi Jagir the changes ordered in Punjab Government No. 199, dated 16th March 1894. The " general provisions regarding the rights of the Rai of Rupi in the protected forests of the Rupi Jagir " as now amended are accepted by the Lieutenant-Governor as sufficient.

20. In paragraph 43 of the supplementary report it is noted that no entry has been made in the record in regard to shooting. It is not strictly correct to leave any right unrecorded in preparing a record under section 28 of the Forest Act, but if it is well understood that no action will be taken under the Forest Act to interfere with shooting, the omission to enquire into and record rights of shooting will hurt no one and may therefore be acquiesced in.

21. With reference to paragraphs 45-51 of the supplementary report, it is true that Sir Dennis Fitzpatrick in the 12th paragraph of his first note said that he was inclined to think with some of the Forest Officers that it would have been better if some of the forests which it is now proposed to make protected forests had been made reserved forests, but he quite admits that there is something

to be said on the other side, and in particular he admits that there is much force in what Mr. Anderson says in his 51st paragraph as to the danger arising in the case of forests like those of Kulu from the finality of the reserved forest record. But it seems to the Lieutenant-Governor unnecessary now to discuss this question, for he cannot conceive it possible that any one would suggest that at the stage we have now reached we should cast aside all that has been done and start afresh with a view to making any of the forests in question reserved forests, nor does he think it likely that any one would propose that, having made these forests protected forests, we should within any very short time proceed to convert them into reserved forests. We must as reasonable practical men accept what has been done, at least for a considerable time to come. Sir Dennis Fitzpatrick only desires to add in connection with these paragraphs of the report that he regrets that, in commenting, as he did in his first note, on what seemed to him erroneous views as to the meaning and effect of the Forest Act he should have written as if Mr. Anderson had adopted those views for himself, whereas it now appears that he merely accepted them, contrary to his own opinion, at the hands of others to whose guidance it was necessary that he should submit himself in such a case.

22. The rules under Section 75 (*c*) of the Forest Act for the preservation of trees belonging to Government, but grown on lands belonging to private persons (paragraph 52 of the supplementary report), are approved.

23. As to the rules regarding drift timber, Sir Dennis Fitzpatrick does not think that the objection suggested in paragraph 55 of Mr. Anderson's report should trouble us. The only effect of Section 45 of the Act and the Notification No. 222 F., dated 9th May 1879, is to raise a presumption that certain timber belongs to Government and to give power to collect it. The presumption in question is a most reasonable one in the present case, for all the timber referred to, except an infinitesimally small number of trees of species other than deodar that may have come off cultivated lands, does belong to Government, until it has been appropriated by some person who is entitled under the record of rights and the rules to take it. As for the power to collect, it is for us to use it or not as we think fit. If we choose to leave the timber where it lies, and suffer certain persons to remove such of it as belongs to the Government, that is our affair.

As to the last clause of "Appendix XI Revised," the Lieutenant-Governor accepts in substance what Mr. Anderson proposes, but he thinks the proper way to carry it out is to make a rule for the rivers Beas, &c., under Section 51 of the Act, with a penalty attached to the effect that no one shall remove any timber of the classes referred to in Section 45 and the Notification No. 222 F., dated 9th May 1879, without permission, provided that this rule shall not apply to any pieces described in clauses (*a*) and (*b*) of the revised draft.

No doubt, strictly speaking, if we prevent people collecting drift timber from a river, we ought to collect it ourselves and go through the procedure set forth in Section 46 *et seq.* of the Act. But if, as the Lieutenant-Governor understands to be the case, no trees belonging to private persons would in practice ever get down to the river, we need not trouble about that. It should of course be strongly impressed on the Deputy Commissioner that he should insist on the Forest Officers leaving in the beds of the rivers in question a supply of timber of the dimensions which the people are authorized to remove amply sufficient to meet all their requirements.

24. In paragraph 21 of the Lieutenant-Governor's first note he referred to complaints made to himself when in Kulu that trees were refused from particular forests on reports by Forest subordinates that there was not sufficient suitable timber in the forests over which the applicants had rights. What Mr. Anderson states in paragraph 57 of his report shows how well founded such complaints may sometimes be.

The particular forest referred to in that paragraph may have been only a small portion of the total demarcated area of the kothi, but its being closed to cutting on the false report of the Ranger probably inflicted on those dwelling in the immediate vicinity a hardship of the very sort of which the zamindars complained to Sir Dennis Fitzpatrick. The safeguards now proposed against this and other like dangers have his entire approval.

25. Mr. Anderson should now be directed to submit copies of the following documents revised in accordance with these instructions:—

(a) Revised notification under Secio 29 (b) of the Forest Act for closure of certain areas.

(b) Revised notification under Section 29 (c) of the Forest Act for prohibitions in 1st Class protected forests.

(c) Revised notification under Section 29 (c) of the Forest Act for prohibitions in 2nd Class protected forests.

(d) Rules under Section 31 of the Forest Act.

(e) General conditions for the three classes of protected forests.

He should also submit a draft rule under Section 51 of the Forest Act in accordance with the instructions contained in the 23rd paragraph of this letter. Notifications declaring the forests to be protected will then issue and will be followed by notifications under Section 29 (b) and (c) and rules under Sections 51 and 75 (c).

26. The rules under Section 31 of the Act as finally amended will be submitted for the sanction of the Government of India. The copy of the Forest Settlement Report containing Mr. Anderson's revised record is returned herewith.

Copy of Financial Commissioner's office endorsement No. 1723, dated 23rd March 1896.

COPY of Punjab Government No. 137, dated 6th March 1896, forwarded to the Commissioner, Jullundur Division, with reference to his letter No. 287, dated 16th October 1894, for information and guidance, and favour of further report with reference to paragraph 25 of the Government letter, with the remark that the records have been returned direct to Deputy Commissioner, Kangra.

Intimates that copy of this office letter No. 28-C., dated 7th June 1895, will follow when printed copies are received.

No. 272, dated Lahore, 10th April 1896.

From—M. W. FENTON Esquire, C. S., Senior Secretary to the Financial Commissioner, Punjab,

To—The Revenue Secretary to Government, Punjab.

WITH reference to your letter No. 137, dated 6th March 1896, regarding the Kulu Forest Settlement, I am directed to forward, for the orders of Government, copy of Commissioner Jullundur's letter No. 1041—J with its enclosures in original.

No. 1041-J., dated 1896.

From—Lieutenant-Colonel C. F. MASSY, Commissioner and Superintendent, Jullundur Division,

To—The Senior Secretary to the Financial Commissioner, Punjab.

IN attention to your Memo. No. 1723 of 23rd ultimo, I beg to enclose letter No. 553 of the 4th instant (with accompaniments), from the Deputy Commissioner, Kangra, bearing on the question of rules for forest management in Kulu. As the letter merely complies with orders already passed by Government, I forward the same without remarks.

No 553, dated 4th April 1896.

From—ALEX. ANDERSON, Esquire, Deputy Commissioner, Kangra,

To—The Commissioner and Superintendent, Jullundur Division.

IN reply to your No. $\frac{904\text{-J.}}{\text{III.-3}}$, dated 24th ultimo, I have the honor to submit in print the following documents called for in paragraph 25 of the Government letter No. 137, dated 6th March 1896, viz.:—

(1) Revised notification under Section 29 (b) of the Forest Act for closure of certain areas—(Punjab Government notification No. 283, dated 1st June 1896).

(2) Revised notification under Section 29 (c) of the Forest Act for prohibitions in 1st Class Protected Forests—(Punjab Government Notification No. 284, dated 1st June 1896).

(3) Revised notification under Section 29 (c) of the Forest Act for prohibitions in 2nd Class Protected Forests.—(Punjab Government Notification No. 285, dated 1st June 1896).

(4) Rules under Section 31 of the Forest Act—(Punjab Government Notification No. 507, dated 7th November 1896).

(5) General conditions for the three classes of forests (printed).

(6) Rules under Section 51 of the Forest Act—(Punjab Government Notification No. 286, dated 1st June 1896).

These have been prepared in accordance with the directions given in the Government letter. In addition to the above mentioned documents a draft notification under Section 29 (c) (incorporated in Punjab Government notification No. 283, dated 1st June 1896) applicable only to the closed areas, is also submitted. The necessity for this notification is explained in paragraphs 3 and 4.

2. With regard to paragraph 4 of the Government letter, it is necessary to note that in the record under Section 28 no right to burn lime or charcoal in any 1st Class Protected Forest has been allowed, and thus the notification under Section 29 (c) prohibits the burning of lime and charcoal in such forests except under the special permission of the Forest Officer.

3. A notification has been drafted for the closure of certain areas under Section 29 (b), but no provision has been made for enforcing the closure, and it is necessary to arrange for this.

Under Section 33 nothing in Chapter IV shall be deemed to prohibit any act done in the exercise of any right recorded under Section 28 *except as regards any portion of a forest closed under Section* 29. Therefore Section 32 (which makes certain acts offences) will apply to such acts when done in any closed area, and persons (even right-holders) doing these acts in such closed areas will be liable to punishment in spite of the record. No rules have yet been drafted under Section 31 (*k*) for "the protection and management of closed areas," and it is for consideration whether such rules are necessary or whether the Act and notification under Section 29 (c) may not be sufficient without any rules.

4. The acts done in closed areas for which we have to provide are—

(1) Grazing.

(2) Cutting or otherwise doing damage to *reserved* trees.

(3) Cutting or otherwise doing damage to *unreserved* trees.

(4) Removal of fallen leaves or other forest produce.

Now grazing is so far provided for under Section 69 that cattle found trespassing may be pounded, and moreover whoever permits cattle to damage any reserved tree may be punished under Section 32 (*g*) ; and Section 25 of the Cattle Trespass Act would also apply. It seems to me then that, so far as grazing is concerned, closure can be sufficiently enforced without rules under Section 31 (*k*). So also the cutting or damaging of reserved trees can be punished under Section 32 (*a*), but that section does not cover damage to unreserved trees, and Section 32 (*b*) punishes the removal of forest produce only when a notification has been issued under Section 29 (*c*). To provide against damage to unreserved trees and the removal of fallen leaves and other forest produce from closed areas (and in my opinion these acts should be prevented) we may make rules under Section 31 (*k*), or we may issue a notification under Section 29 (*c*) prohibiting the collection and removal of any forest produce from areas closed by notification under Section 29 (*b*). The latter course is perhaps the simpler, and I therefore have added to the draft notification for closed areas a clause that the collection or removal of forest produce is prohibited. It may, however, be convenient to have the grass and brushwood removed, and the Forest Officer may to some extent relieve the inconvenience of the closure by allowing the neighbouring villages to cut grass and brushwood and to remove dry timber ; hence provision is made for his giving permission for the removal of forest produce.

5. I have added to the list of forests to be notified as closed an area of 170 acres in Geru undemarcated forest, situated in Kothi Bunga. The circumstances under which it is proposed to close this area have been already reported in correspondence ending with my No. 222, dated 12th February 1896, to your address. See also Commissioner's No. 944, dated 30th March 1896.

The list also includes half an acre in Bohara and Kanail Bagh Forests of Plach Kothi, permission to close which was communicated in your No. 205, dated 22nd January 1896.

6. The record as finally amended is now considered sufficient for the purposes of Section 28 of the Forest Act, but the record cannot be put into the hands of the people in its present form without the rules. Even when the rules have been sanctioned, it will be necessary to prepare an abstract, suitable for the people, showing what they can and cannot do. For the present therefore it does not seem advisable for me to take any action until the orders of the Government of India ar received.

No. 306, dated Lahore, 25th June 1896.

From—R. G. THOMSON, Esquire, Revenue Secretary to Government, Punjab,

To—The Secretary to the Government of India, Revenue and Agricultural Department.

*Proceedings, September 1885, Nos. 8—II A.

Mr. Anderson's Report on the Forest Settlement of Kulu (two volumes as originally submitted).
Financial Commissioner's No. 150, dated 24th February 1888, and its enclosures.
Note by the Hon'ble the Lieutenant-Governor, dated 2nd September 1893.
Note by C. M. Rivaz, Esquire, Financial Commissioner, dated 10th October 1893.
Note by the late R. H. C. Whittall, Esquire, Conservator of Forests, Punjab, dated 17th October 1893.
Note by the Hon'ble the Lieutenant-Governor, dated 8th January 1894.
Punjab Government No. 198, dated 16th March 1894.
Financial Commissioner's No. 28 C., dated 7th June 1895, and enclosures (except the demi-official and unofficial correspondence and revised Appendices II and III in M.S.).
Punjab Government No. 137, dated 6th March 1896, to Senior Secretary to Financial Commissioner.
Financial Commissioner's letter No. 272, dated 10th April 1896, and enclosures.
Punjab Government Notifications Nos. 280 to 287, dated 1st June 1896.

WITH reference to correspondence on the subject of the Kulu Forest Settlement ending with Government of India, Home Department, endorsement No. 842 F.,* dated 26th August 1885, I am directed to submit, for the information of the Supreme Government, the correspondence noted in the margin, and to ask that sanction may be accorded to the enclosed draft rules framed under Section 31 of the Indian Forest Act, VII of 1878. The papers forwarded by no means exhaust the voluminous correspondence which has occurred since the case was last under the consideration of the Government of India, but the Lieutenant-Governor believes that they will be more than sufficient for the purposes of the present reference. It is impossible to submit the copy of the report in which Mr. Anderson has embodied in manuscript all the alterations in the records-of-rights suggested by the Lieutenant-Governor, as only one copy exists, and it is necessary to return this to the Settlement Officer to enable him to complete his work. But under Section 28 of the Act the Local Government is competent to deal finally with the sufficiency of the records-of-rights, and the Government of India will see from the correspondence forwarded that the matter has been very carefully considered.

2. As the case is one of very long standing and its decision has been much delayed, it will be convenient to give a brief *résumé* of its history.

3. In 1876 a joint report on the Kulu Forests was drawn up by Dr. Brandis, Inspector-General of Forests, Mr. Baden-Powell, Conservator of Forests, Punjab, and Colonel Stenhouse, the Deputy Conservator in charge of the Kulu Division. The principles laid down in the report were approved by Mr. (now Sir) J. B. Lyall, Settlement Commissioner, who as a former Settlement Officer of the Kangra District had exceptional knowledge of the subject, and were accepted by the Punjab Government in 1879 (see Mr. Lepel Griffin's No. 406 F., dated 20th October 1879, to the Secretary to Government of India, Home, Revenue and Agricultural Department) after the Forest Act of 1878 had become law. Two notifications as noted in the margin were issued under Section 4 of the Act declaring the intention of Government to constitute 89 forests reserved forests and appointing the Assistant Commissioner of Kulu for the time being Forest Settlement Officer. Mr. A. Anderson was then in charge of the Kulu Sub-Division, and practically the whole work of the settlement from first to last was carried out by that officer.

No. 217 F., dated 8th July 1880.
No. 217 F., dated 25th April 1881.

4. Owing to certain difficulties which arose in regard to the records-of-rights, it was decided by the Punjab Government in 1882, on the advice of the Financial Commissioner, Mr. (now Sir) J. B. Lyall, to bring all the areas included in the above-mentioned notifications under Chapter IV, and not, as originally intended, under Chapter II of the Act. Notification No. 236, dated 1st June 1882, cancelled the notifications previously issued, and was itself followed by a Notification No. 301, dated 14th July 1882, appointing Mr. Anderson to make an enquiry into the nature and extent of the rights of Government and of private persons in or over the forests and waste lands specified in the cancelled notifications, as it was the intention of Government to apply the provisions of Chapter IV of the Forest Act to these lands (see Mr. Fanshawe's No. 302, dated 14th July 1882, to Secretary to Government of India, Home Department). The

Government of India communicated to the Punjab Government in Mr. (now Sir) A. Mackenzie's No. 707 F., dated 21st August 1882, its doubts as to the wisdom of the course adopted, and a discussion followed which resulted in the issue of the orders contained in Punjab Government No. 511, dated 28th November 1883, to the Financial Commissioner, a copy of which was forwarded to the Home Department with Mr. Fanshawe's No. 513 of the same date. These instructions, which are those on which Mr. Anderson acted in making his settlement, provided for the constitution as reserved forests of such "restricted areas" as the Forest Settlement Officer and the local Forest Officers might agree to be suited for such treatment and for the application to the rest of the Government waste in Kulu of the provisions of Chapter IV of the Forest Act. Three main classes of protected forests were to be recognized, *viz.*—

(*a*) first class demarcated forests for which a full record-of-rights was to be prepared;

(*b*) second class demarcated forests for which the record was to be less detailed;

(*c*) undemarcated forests.

Notifications under Section 4 of the Act as noted in the margin were published declaring the intention of Government to reserve 26 forests, and it may be here noted that all these were finally brought under Chapter II of the Act by Notification No. 298, dated 12th May 1864. Owing to the change of policy embodied in the orders of 1883, it was deemed necessary to cancel Notification No. 301, dated 14th July 1887, and this was done by Notification No. 206, dated 27th April 1885, which appointed Mr. Anderson "to enquire into the nature and extent of the rights of Government and of private persons in or over the forests and waste lands of the Kulu Sub-Division other than the forests or waste lands in regard to which a notification under Section 4 of Act VII of 1878 has been or may be issued." Mr. Anderson submitted his Forest Settlement Report in June 1886, and it was forwarded to Government by the Financial Commissioner with his own review and notes by Colonel Gordon Young, Commissioner of Jullundur, and Lieutenant-Colonel Bailey, R. E., and Mr. Hill, who both held the post of Conservator of Forests in this province.

No. 215, dated 22nd April 1884.
No. 574, dated 15th December 1885.

5. When Sir Dennis Fitzpatrick became Lieutenant-Governor in 1892 he found that the report was still undisposed of, and he was himself unable to deal with the very complicated questions involved till the summer of 1893. He then recorded the note, dated 2nd September 1893, which forms one of the enclosures of this letter, and, as a preliminary to visiting Kulu himself, instructed Mr. C. M. Rivaz, Financial Commissioner, and the late Mr. Whittall, Conservator of Forests, to confer with the late Mr. O'Brien, Deputy Commissioner of Kangra, and the local Forest Officer and submit to the Lieutenant-Governor a statement of the conclusion at which they arrived. The notes then put on record are enclosed. Sir Dennis Fitzpatrick visited Kulu in the end of 1893, and wrote a second note, dated 9th January 1894, conveying instructions for the future treatment of the case. On the death of Mr. O'Brien, Mr. A. Anderson was appointed Deputy Commissioner of Kangra, and the task of carrying out these orders devolved upon him. They involved the recasting of numerous records-of-rights of protected forests and some changes in the rules to be issued under Section 31 of the Act. The work was very laborious, and it has been carried out very thoroughly. Mr. Anderson's further report was received from the Financial Commissioner with his Secretary's No. 28 C., dated 7th June 1895, and after having the advantage of discussing it personally with Mr. Anderson, the Lieutenant-Governor has passed his final orders in the letter to the Financial Commissioner, No. 137, dated 6th March 1896, the reply to which, with enclosures showing the manner in which those orders have been carried out, has now been received. All changes required by these orders have been embodied by Mr. Anderson in the records, and Sir Dennis Fitzpatrick has accepted these records as "sufficient" (Section 28 of Act VII of 1878). Notifications* constituting the areas for which the records have been prepared protected forests have been published, and I am to request the sanction of the Government of India to the draft rules under Section 31 of the Act, which forms one of the enclosures to the Financial Commissioner's last mentioned letter, so that they may be issued as soon as possible.

* Nos. 280—82, dated 1st June 1896, copies enclosed.

It is, I am to say, only to be expected that in dealing with a subject of such vast extent and complication Mr. Anderson and his superiors up to, and including, the Lieutenant-Govrenor himself, should, notwithstanding all the trouble they have taken, have fallen into some error and oversights; but there must be a limit somewhere to the work of discussion and revision, and His Honor is of opinion that that limit has now been reached. As to the manner in which Mr. Anderson has performed the laborious and puzzling task set before him, the indefatigable industry, the sound judgment, the patience, the tact and the minute knowledge of the country he has brought to bear throughout, the Lieutenant-Governor cannot speak too highly. If ever an officer has deserved the thanks of the Government for the way in which he has discharged a most difficult duty, Mr. Anderson, in His Honor's opinion, has.

6. In conclusion it may be convenient to refer you to the chief passages in the enclosed correspondence which refer to these rules:—

Mr. Anderson's Forest Settlement Report, paragraphs 186-189.

Review of Report by the Financial Commissioner (the late Lieutenant-Colonel E. G. Wace) forming an enclosure to his Secretary's No. 150, dated 24th February 1888, paragraphs 8, 11, 18.

Note by the Lieutenant-Governor, dated 2nd September 1893, paragraphs 10, 17, 18, 25.

Note by Mr. C. M. Rivaz, Financial Commissioner, dated 10th October 1893, paragraphs 5, 24, and revised Appendices IX and IX A. annexed to the note.

Note by the Lieutenant-Governor, dated 9th January 1894, paragraphs 10 to 13.

Mr. Anderson's No. 1472, dated 21st September 1894, paragraphs 7 to 30.

Commissioner of Jullundur's No. $\frac{2870\text{-}1}{111\text{-}3}$, dated 16th October 1894, paragraphs 5 to 14.

Financial Commissioner's, No. 28 C., dated 7th June 1895, paragraphs 22.—IV.

Punjab Government No. 137, dated 6th March 1896, paragraphs 5 and 6.

No. $\frac{930}{181-5}$F., dated Simla, 8th October 1896.

From, DENZIL IBBETSON, Esquire, C.S.I, Offg. Secretary to the Government of India, Revenue and Agricultural Department,

To—The Revenue Secretary to Government, Punjab.

IN reply to your letter No. 306, dated 25th June 1896, with which you forward, for information, certain correspondence on the subject of the Kulu Forest Settlement, and ask for the sanction of the Government of India to draft rules framed under Section 31 of the Indian Forest Act (VII of 1878), I am directed to communicate the following observations.

2. The Government of India cordially concur in the remarks made at the end of paragraph 5 of your letter under reply regarding the industry and ability displayed throughout by Mr. Anderson in dealing with this complicated matter. They also desire to congratulate the Lieutenant-Governor upon having brought this long protracted settlement to a conclusion, the satisfactory nature of which is largely due to the minute personal care and trouble which he has bestowed upon it.

3. With regard to the rules framed under Section 31, I am to suggest that the following alterations be made in them:—

Rule 4 should be amended as follows, so as to make it clear that the Punjab Government do not propose to convert protected into reserved forests otherwise than in strict accordance with the Act:—

"The Local Government may at any time, in exercise of the powers conferred, and in the manner prescribed, by Chapter II of the Indian Forest Act (VII of 1878), apply to these areas or to any of them the provisions of the said chapter, and so remove them from the operation of these rules."

Rule 5 (1) *and* (2).—It is doubtful whether Rule 5 (1) as it stands is *intra vires*, as Section 31 (*i*) of the Act, while it gives power to regulate, gives no power to prohibit the pasturing of cattle, in which term buffaloes are included under the Act. It would apparently answer all purposes if clauses (1) and (2) of the rule were run together so as to read as follows:—

Rule 5.—The grazing of buffaloes is prohibited except with the permission of the Forest Officer.

The Forest Officer would then use his discretion as to permitting the grazing of buffaloes in first and second class demarcated forests.

Rule 10.—This rule refers to demarcated forests only, and cannot, apparently, be made subject to the provisions of Rule 11, which refers to undemarcated forests. The reference to the latter rule should be omitted.

Rule 13 (2) (*b*).—The word "down" at the end of the rule might be omitted with advantage.

Rule 13 (7).—The word "God" should be spelt with a small g.

Rule 13 (8), (9) *and* (10).—For the words "at the ground," the words "at breast height" should be substituted. The irregularities due to root-swellings make measurements at the ground unsuitable for the purpose in view.

4. Subject to the above amendments, the Government of India approve of the draft rules submitted, and are pleased to accord their sanction to them.

No. 21, dated Lahore, 14th January 1897.

From—M. W. FENTON, Esquire, Revenue Secretary to Government, Punjab,

To—The Senior Secretary to the Financial Commissioner, Punjab.

IN reply to your letter No. 272, dated the 10th April 1896, I am directed to forward, for the information of the Financial Commissioner, copies of the Proceedings of this Government in regard to the Kulu Forest Settlement. I am to request that the remarks of the Lieutenant-Governor in paragraph 5 of this office letter No. 306, dated 25th June 1896, and of the Government of India in paragraph 2 of their No. 930 F., dated 8th October 1896, upon the work done by Mr. Alexander Anderson in connection with this case may be communicated to that officer.

COPY of Financial Commissioner's office endorsement No. 4, dated 26th January 1897.

COPY of Punjab Government No. 21, dated 14th January 1897, with 3 copies of each of the Proceedings forwarded to the Commissioner, Jullundur Division, with reference to his letter No. 1041-J-III—5, dated, 1896, for information and communication to Mr. Anderson.

Part II.—Notifications and General Conditions.

The 12*th May* 1894.

No. 298.—*Notification.*—The Hon'ble the Lieutenant-Governor of the Punjab is pleased, in accordance with Section 19 of Act VII of 1878 (Indian Forest Act), to declare the lands of the Kulu Sub-Division of the Kangra District specified in the following table to be reserved under Chapter II of the said Act with effect from the 1st July 1894:—

Reserved Forests, Kulu Proper.

No.	District.	Pargana.	Name of kothi.	Name of Forest.	Boundaries. North.	Boundaries. East.	Boundaries. South.	Boundaries. West.
1	Kangra.	Kulu.	Monali ...	Dungri ...	Fenced line by cultivation of Monali and Dungri.	Fenced line by cultivation of Monali and Sial.	Fenced line by cultivation of Dungri, Nasogi and Sial.	Fenced line by cultivation of Dungri and a path.
2			Do. ...	Monalghan	Monalsu Nal ...	Beas ...	Fenced line by Bhata-ri-bai.	Fenced line by cultivation of Monali and path to Monali.
3			Do. ...	Danabihal	Fenced line by Bhata-ri-bai.	Do. ...	Fenced line ..	Fenced line by road to Monali.
4			Do. ...	Sialbihal ...	Fenced line by main road.	Do. ...	Fenced line by cultivation of Sial.	Fenced line by main road.
5			Do. ...	Seta-dhag Shalin.	Shalin Nal ...	Demarcated line	Bedharing Dhar	Demarcated line.
6			Jagatsukh...	Jalor ...	Seundar and Jogi dugh thaches.	Gunt-bihali ...	Phari Nal ...	Janri thach and cultivation of Prini and Chalet.
7			Maharaja ...	Jaung ...	Kutlu Nal ...	Cultivation of Jaung and Jaunga-ra-Nal.	Demarcated line	Demarcated line.
8			Do. ...	Sandhar ...	Sandhar Ridge and Pachiali Nal.	Waste land and cultivation of Kumand.	Cultivation of Kumand.	Waste land.
9			Khokhan ...	Rajgiri or Shila-ban.	Chilawa-ra-Nal.	Line from above Janal to above cultivation of Jodu of Pah.	Janaldhar ...	Demarcated line.
10			Do. ...	Niaragar ...	Janaldhar ...	Lot Nal, Kashgar Nal and Nal from Rajgiri Fort.	Chabara Dhar...	Loja Dhar, and line below Bogrutila-Rahin and Kelti-agla Rewar.
11			Do. ...	Dukam ...	Chabara Dhar ...	Kobja Kelo Dhar.	Dukam, 1st class protected forest.	Mandi.

Reserved Forests, Inner Seoraj.

No.	District.	Pargana.	Name of kothi.	Name of Forest.	North.	East.	South.	West.
1	Kangra.	Kulu.	Fatehpur ...	Dheon, Kaniali.	Dogri Nal ...	Bomphali Dhar	Badihala-gar ...	Badihala-gar and Dogri Nal.
2			Telokur, Fatehpur, Kharagarh.	Lafat ...	Seri Nal and Seri Janja Nal.	Jibigar ...	Badhar Nal to the common boundary pillar of Raghopur, Kharagarh and Fatehpur.	Parbat and Lagesshar Dhars.
3			Nohanda ...	Rolla ...	Shilahar Rock, Gorbalaini, Paka Panchel, Choa-dwar and Tahu Rock.	Nada-ra-Khol, and line from Tirthin across Jatoli Dhar to the Sari-ra-Khol.	Line by Shili Humba Pakhar, above Liadi thach, across Basu Dhar to Badradi-ra Khol.	Badradi-ra-Kho, Tirthin and Ghora Dhar.

Reserved Forests, Inner Seoraj—concluded.

No.	District.	Pargana.	Name of kothi.	Name of Forest.	Boundaries. North.	East.	South.	West.
4	Kangra	Kulu	Sarchi ...	Reunsi ...	Uklajan Dhar ...	Reunsi Dhar ...	Sakiran Dhar ..	Oligar.
5			Do. ...	Kandhari...	Balhachin ...	Dreidhar ...	Path from Pharwari to Tung, and from Pharwari to Bakhtas Dogri.	Chotrigar.
6			Do. ...	Sochli ...	Do. ...	Demarcated line to west of Talkcha Bir.	Cultivation of Shirungar and Shila.	Shiliadin Nal Dundku Nal and line above Damala Dogri.
7			Shangar ...	Dewa-Kando	Briara-gar ...	Dung Dhar ..	Deva-Kando Dhar.	Kakrar Nal, up to junction of Kalere Dhar with Dewa-Kando.
8			Bnuga ...	Daogi ...	Cultivation of Daogi and Banaini.	Cultivation of Daogi.	Cultivation of Kanda Dogri.	Cultivation of Daogi.
9			Shangar ...	Humkani ...	Sainj stream and line excluding Humkani Dogri.	Chakrer Nal ...	Demarcated line, excluding Thunda-burj and Majan thach.	Lapagar.

Reserved Forests, Outer Seoraj.

No.	District.	Pargana.	Name of kothi.	Name of Forest.	North.	East.	South.	West.
1	Kangra.	Kulu.	Kot ...	Shili Girchi	Kurpangar ...	Karna Nal ...	Line, including all trees.	Bishlai Dhar to Dacher.
2			Bahramgarh	Prali Girchi	Line from Bung Prak to Junction of Sagao Nal and Brati Nal, and along Sagao Nal.	Line from Sagao Nal to Thachru and Kumba Dhar.	Kurpangar ...	Shamattan Nal to Bung Peak through Dimaruathia.
3			Do. ...	Jujuth ...	Jujuth Nal and Bishdeo Nal to Gargicha Gai.	Demarcated line above cultivation of Sarahn and Jaler Dogris.	Braili Dhar ...	Mandrao Dhar.
4			Naraingarh	Margi Kalaun	Cultivation of Shirsha.	Nala by cultivation of Nagog and Nala-Margi	Cultivation of Dhara-Margi.	Naigar.
5			Do. ...	Ghaner Kalaun.	Cultivation of Ghaner.	Reunsi Forest ...	Cultivation of Dhar.	Cultivation of Ghaner.
6			Jalori ...	Jarono Kalaun.	Khara Karshu...	Demarcated line	Cultivation of Jarono.	Cultivation of Jarono and path from Jarono to Khara Karshu.
7			Raghopur...	Takrasi ...	Sewa Nal, Dunchokar Dhar and Kao Nal.	Cultivation of Chumkari Dogri and of Har Das, Lira Dhar, Takrasi Dhar, excluding temple of Takrasi Nag and Chandi Dogri.	Sawin Dhar ...	Cultivation of Kaderna, Kutumbo Nal and Kao Nal.

Reserved Forests, Waziri Rupi.

No.	District.	Pargana.	Name of Kothi.	Name of Forest.	Boundaries. North.	East.	South.	West.
1	Kangra.	Kulu.	Kanawar ...	Phulga ...	Cultivation of Phulga.	Garthi Nal ...	Cultivation known as Chopini.	Chakshi Nal.
2			Do. ...	Dudi Khol...	Parbati River ...	Dudi Khol Nal...	Demarcated line	Agina Dhar.
3			Do. ...	Grahan ...	Cultivation of Grahan.	Chambi Dhar ...	Grahan Nal and Garth Nal.	Garth Nal.
4			Do. ...	Kasol ...	Parbati River and cultivation of Kasol.	Grahan Nal ...	Rupu-dena Nal and main ridge.	Jail Nal.
5			Harkandi ...	Soma Chelaon.	Parbati River ...	Jail Nal ...	Demarcated line	Dabgan Dhar.
6			Do. ...	Bindraban..	Demarcated line	Demarcated line	Ditto ...	Bindrabani Dhar.
7			Kotkandi ...	Diyar ...	Girt Nal ...	Bhosa Path ...	Deoban Dhar ...	Saraage Dhar.
8			Do. ..	Najan ...	Demarcated line	Najan Nal ...	Cultivation of Najan.	Najan-Kanda Dhar.
9			Do. ...	Jaulid ...	Rungni Nal ...	Katrani Dhar ...	Krashing or Bradal Dhar.	Ursu Nal excluding all cultivation and water-mills.
10			Do. ...	Kelo-ban and Ratapani.	Bandga Nal and demarcated line.	Demarcated line	Ratapani Nal, Maniar Nal and demarcated line.	Demarcated line.
11			Do. ...	Hamka Dhar	Demarcated line	Sartaja Nal ...	Hurla stream ...	Pancha Nal.
12			Kotkandi and Bahlap.	Niargar ...	Hurla stream and demarcated line.	Pulia Nal ...	Laru Dhar ...	Chotta Niargar Nal and Juli Dhar.
13			Bahlan ...	Bithu-kanda	Demarcated line	Demarcated line	Demarcated line	Demarcated line.
14			Do. ...	Gohi ...	Gwalu-thana Dhar.	Waste land ...	Demarcated line towards cultivation of Gohi.	Cultivation of Bohari Sharan.
15			Do. ...	Raila ...	Cultivation of Raila.	Cultivation of Raila.	Cultivation of Raila.	Waste land.
16			Do. ...	Gatipat ...	Demarcated line and cultivation of Kundar.	Cultivation of Majan.	Jewa Nal ...	Gatipat Dhar.
17			Sainsar ...	Deun ...	Jewa Nal ...	Kandi Nal ...	Deun Dhar ...	Bakri Dhar and Bakri Nal.
18			Do. ...	Nila-totha...	Nila-totha Dhar and Shigar Nal.	Demarcated line	Damodhri Dhar and Mahu Dhar.	Damodhri Dhar.

The 1st June 1896.

No. 280.—Notification.—His Honor the Lieutenant-Governor of the Punjab is pleased, in accordance with Section 28 of Act VII of 1878 (The Indian Forest Act), to declare the provisions of Chapter IV of that Act applicable to the forest and waste land included in the following statements:—

First Class Demarcated Forests, Kulu Proper.

No.	District.	Pargana.	Name of Kothi.	Name of Forest.	Boundaries. North.	Boundaries. East.	Boundaries. South.	Boundaries. West.
1			Monali ...	Bajraundi, Kaim Dhar, Bainpadru.	Monalsu Nal ...	Cultivation of Dungri, Monali, Sanogi, Banam, Chishal, Palsari, Kanial.	Gumana Dhar ...	Monalgarh and Kamialgarh, 2nd Class Forests.
2			Ditto ...	Gugtu Dhag ...	Sheshor Nal ...	A demarcated line near the cultivation of Mari.	Kaloint Dhar ...	Part of the eastern boundary of Shalingarh Protected Forest.
3			Ditto ...	Kaloint ...	Gugtu Dhag Forest ...	A demarcated line by the cultivation of Gaderni and Baraur.	Baraur Nal ...	Cultivation of Gaderni Baraur.
4	Kangra.	Kulu.	Jagat Sukh ...	Dudlu ...	Talai Nal ...	Mahun Dhag ...	Kalapat Nal ...	Cultivation of Chejoga and Duranu Sharan.
5			Ditto ...	Rahni ...	Kalapat Nal ...	Precipices above Alaini Nal, Rahni Dhar.	Rahni Dhar, thence a demarcated line to a boundary pillar below the precipice, which is 50 yards above the temple of Shristi Narain.	A demarcated line near the cultivation of Aleo.
6			Ditto ...	Aleo Bihal ...	A demarcated line near the cultivation of Aleo.	A demarcated line near the cultivation of Aleo and the cultivation of Aleo.	Cultivation of Aleo and Alaini Nal.	Beas.
7			Ditto ...	Hamta ...	A demarcated line near cultivation of Prini and Dani Nal.	A demarcated line near cultivation of Hamta.	A dhar above Phali Nal.	A demarcated line by the cultivation of Prini.

8	Kangra.	Kulu.	Jagatsukh ...	Jumari Shuru Beas ...	Phari Nal ...	Guni Nal ...	Jumari Dhar ...	From the Phari Nal up the Karaur pattar ka Nal to a large boundary pillar, thence a demarcated line to Jumari Dhar.
9			Ditto ...	Brunudhar and Khoru Thach.	Dohangnu Chanala Kul ...	Line below Khoru Thach, Prot Thach and Bansaida dugh.	Brunu Dhar and cultivation of Gojra Phati.	Cultivation of Gojra and Jagatsukh and the main road.
10			Ditto ...	Padri Chalaon ...	Niara Nal ...	Line across Naga Dhar and below Banari Thakur Dogri.	Karnoi Nal ...	Cultivation of Gojra and Kak Nal.
11			Barsai ...	Sajla Sil ...	Karnoi Nal and water-course	Line below Badoran Thach and Kiru Phat.	Raibarag Garh and Dilayir Dhar.	Dilayir Dhar.
12			Ditto ...	Dhamsu Kalaun ...	Dilayir Dhar to Rajbarag	Rajbarag ...	Thali-ki Dhar ...	Cultivation of Dhamsu and main road.
13			Ditto ...	Seta Dhag ...	Thali-ki-Dhar ...	Above Chopru Phat to Dialing Dhar.	Dialing Dhar ...	Cultivation of Karjan.
14			Nagar ...	Padra Danach ...	Charani Nal ...	Dialing Dhar ...	Dialing Dhar cultivation of Soil and the Seta Dhag Rock above Pakhnoj Nal.	Cultivation of Soil Chaklari, Malsari and Karjan.
15			Ditto ...	Som ...	Cultivation of Haripur (Buta Ropa).	Cultivation of Haripur ...	Pakhnoj Nal ...	Line near Beas.
16			Ditto ...	Batahir Bihal ...	Pakhnoj Nal ...	Cultivation of Batahir ...	Waste land ...	Beas.
17			Ditto ...	Droban and Chabar ...	Ditto ...	Cultivation of Charahu Jogni ...	Kundira Nal ...	Cultivation of Bhos and Dashal.
18			Ditto ...	Jangar Kalaun ...	Kundira Nal ...	Path from Charahu to Baltha...	Parohi Dhar ...	Cultivation of Chaki Bhos Barka.
19			Ditto ...	Nagar Jhir and Batahir Jhir	Cultivation of Alukikut, Kutbai.	Cultivation of Chejoga, Tilasharni.	Grass land of Mian Gulab Singh	Cultivation of Batahir, Dakriala Kutbai and a path to Nagar.
20			Ditto ...	Rash Nal ...	Cultivation of grass lands of Tilasharni.	Grass lands of Chejoga and precipice.	Cultivation of Nishala ..	Cultivation of Tilasharni and Banira Nal.
21			Ditto ...	Lower Sesni ...	Nishala Nal ...	Cultivation of Nathan ...	Cultivation of Nathan and a path.	Cultivation of Phaljot and path from Phaljot to Nishala.

First Class Demarcated Forests, Kulu Proper—continued.

No.	District.	Pargana.	Name of Kothi.	Name of Forest.	Boundaries.			
					North.	East.	South.	West.
22			Nagar ...	Phetaban ...	Path from Phaljot to Barani, a demarcated line to cultivation of Sobhu of Barani, his cultivation, path from Nathan to Barani, cultivation of Barani.	Manchi Nal ...	A demarcated line by the cultivation of Barani and Banjar.	Bre Dhar.
23			Ditto ...	Ledi Chalaun (smaller) ...	Bai Nal ...	Cultivation of Shar ...	Cultivation of Jana and Barnaut.	Path from Jana to Parsa.
24			Ditto ...	Ditto (larger) ...	Cultivation of Jana and Barnaut.	A demarcated line and the cultivation of Jana and Parsa.	Chauntru-ri Dhar and cultivation of Jana Dogri.	A demarcated line by the cultivation of Bater, Sharan, Kalointi and Parsa.
25	Kangra.	Kulu.	Hurang ...	Fojal Kalaun ...	A demarcated line by the cultivation of Fojal.	A demarcated line by the cultivation of Fojal.	Cultivation of Fojal and Rung.	Cultivation of Fojal and Rung.
26			Sari ...	Devi-di-Jhir ...	Boundary of Sari and Raisan Kothis.	Cultivation of Jandaur, Gader, Kushamati and Dakrer.	Cultivation of Pul and Larig ...	Cultivation of Pul, Andaur and Gader.
27			Ditto ...	Natha Nali ...	Jungiri Nal ...	Cultivation of Tiring, Nalhach, Banogi.	Cultivation of Banogi, Raili Dhar.	Sara-ka-Nal.
28			Ditto ...	Gogar Shil ...	Jakri Nal ...	Cultivation of Katahr and Banogi.	Cultivation of Dharmot, Baloni Sari.	Grass land.
29			Kais ...	Chilgan Kalaun ...	A demarcated line by the cultivation of Soil, the path from Soil to garhats, thence the Mohru Nal.	A demarcated line by the cultivation of Soil.	Rai-Nirag Dhar ...	A demarcated line by the cultivation of Soil.

30	Kangra.	Kulu.	Ditto ...	Jamu thach ...	Line from Kharga Nal to Rasi-age.	Cultivation of Lahri ...	The cultivation of Shila and boundary of Borsu protected forest from Saru-Maru to Bengti Kandi.	Cultivation of Lahri, Lahri-Kot and Manari.
31			Ditto ...	Borsu ...	Cultivation of Narain-tani, Barogra Shil, Rogi.	Kandi or Malthan Dhar ...	Kandi Forest, cultivation of Goba Dol, Tingurapadar Sharan.	Cultivation of Kothi Dol, Bandal Rogi.
32			Ditto ...	Kandi ...	Borsu Forest and cultivation of Dol Goba.	Malthan or Kandi Dhar ...	Pecha Dhar ...	Cultivation of Pecha Dharat.
33			Dito ...	Sahita ...	Kandi Dhar ...	Cultivation of Goba, Alaj, Deodar, Ginakla, Sahita Nal and cultivation of Sahita and Orad.	Pajahr Dhar ...	Kandi Dhar and a demarcated line below Bijli Mahadeo.
34			Ditto ...	Kajiari Kalaun ...	Dhar Pujini ...	The cultivation of Kajiari and Kasladi.	The cultivation of Sahita, Kajiari and Talpani.	Cultivation of Kajiari and path from Tikar to Sahita.
35			Ditto ...	Rasu (in two parts) ...	Waste land and "precipice	Malana stream ...	Cultivation of Basona, Basona Dhar.	Cultivation of Basona and precipice.
36			Dugilag and Tarapur ...	Soja and Bakar Kyara ...	The Babu Pass road the cultivation of Shaldari, the road, the cultivation of Dugilag dogris and the road.	Cultivation of Bamtir ...	Cultivation of Bamtir and Satrim.	Cultivation of Satrim.
37			Maharaja ...	Kaili Dugh and Charpal ..	Cultivation of Kaili Dugh and road.	Naga-ra-Dehru Dhar, Darponi Dhar.	Cultivation of Chaknani Dhara	Cultivation of Lang Dhar, Barhai.
38			Ditto ...	Chakoin ...	Cultivation of Lai, Bedhar, Serbering.	Naga-ra-Dehru Dhar ...	Shungra Dhar ...	Chakoin Dhar.
39			Ditto ...	Riampin ...	Cultivation of Chaknani and Shakaur.	Cultivation of Barchani Praksi.	Riampin Dhar, cultivation of Lot.	Naga-ra-Dehru Dhar.

First Class Demarcated Forests, Kulu Proper—concluded.

No.	District.	Pargana.	Name of Kothi.	Name of Forest.	Boundaries. North.	Boundaries. East.	Boundaries. South.	Boundaries. West.
40	Kangra.	Kulu.	Maharaja ...	Chota Shungra ...	Shungra Dhar ...	A demarcated line near and touching the cultivation of Lot.	A demarcated line near and touching the cultivation of Lot.	Bhartu Jala Dhar.
41			Ditto ...	Reunsigahr (Bara Shungra)	Cultivation of Bohai and Dhadag.	Chakoin Dhar ...	Bara Shungra Dhar ...	A demarcated line and the cultivation of Lot.
42			Ditto ..	Mulag-thana ...	Khanora Nal and Trilinga-ri-nal.	Sandhar Reserve ...	Sandhar Reserve ...	Boundary of Hathipur Protected Forest.
43			Khokhan ...	Nagni ...	Cultivation of Kawa, Subli, Shangli, Upperla Deogaraon, Rolgi Lot.	Kot Dhar and forest of Kulu Tea Estate.	Bair Kot and Chabara-ra-Dhar.	Lot-ka-Nal.
44			Ditto ...	Kawaragarh ...	A demarcated line by the cultivation of Tariragraon, thence a demarcated line to Kot Dhar.	Cultivation of Sod Shalani, Bresani and Baibui.	Tunda-thana Dhar ...	Jogni Tila and Kot Dhar.
45			Ditto ...	Charawat ...	Tunda-thana Dhar, Bair Kot.	A demarcated line by the cultivation of Saogi.	A demarcated line by the cultivation of Saogi.	Shiate-ri-Dhar to Changcha.
46			Ditto ...	Dukam ...	Chabara Dhar, Dukam Reserve, and a demarcated line near the cultivation of Kanog.	Sharau Nal ...	Mandi ...	Dukam Reserve.

First Class Demarcated Forests, Inner Sahraj.

No.	District.	Pargana.	Name of Kothi.	Name of Forest.	Boundaries. North.	East.	South.	West.
1	Kangra.	Kulu.	Fatehpur ...	Chuar ...	Ghaini Dhar ...	A demarcated line by the cultivation of Palicha and Til.	Lambi Dhar ...	Juphragar.
2			Ditto ...	Sharau Nal ...	Sharau Nal ...	Rialu Forest (Uml, Bhishyag to Ginja Dhar).	Mohini Dhar ...	Ditto.
3			Ditto ...	Rialu ...	Banshi-ra-Dhar, Dungru Thana.	Nagni Dhar ...	A demarcated line by the cultivation of Bea.	Cultivation of Bea, Banda Mohini, Pori.
4			Fatehpur and Tilokpur ...	Dungru Thana ...	Boundary of Fatehpur and Tilokpur Kothis.	Cultivation of Bahu ...	Talata Forest (old demarcated boundary), Nagni Dhar and Banshi-ra-Dhar.	Cultivation of Uperli Pori, Thogi, Bahu, Kauri Nal Forest (old demarcated boundary).
5			Fatehpur ...	Kauri Nal ...	Kauri Nal ...	Dungru Thana Forest ...	Thogi Dhar ...	A demarcated line by the cultivation of Sabha and Chalahr.
6			Shikari ...	Balo ...	Ranka Dank and path from Naga Dhar to Gadehar.	Ranka Dank ...	Cultivation of Naga Dhar Dhardi.	Cultivation of Gajer Dhardi.
7			Ditto ...	Shegli ...	Path from Dhardi to Tandi	Bara Nal and Balo Forest ...	Path from Naga Dhar to Gadehar Balo Forest, cultivation of Naga Dhar.	Parola Dhar and cultivation of Naga Dhar and Gojer.
8			Ditto ...	Drodwar ...	Path from Dhardi to Tandi and cultivation of Tandi.	Tandi Dhar ...	Path from Naga Dhar to Gadehar Balo Forest.	Bara Nal.

First Class Demarcated Forests, Inner Sahraj—continued.

No.	District.	Pargana.	Name of Kothi.	Name of Forest.	Boundaries. North.	Boundaries. East.	Boundaries. South.	Boundaries. West.
9			Shikari ...	Bagh thachi ...	Tandi Dhar and cultivation of Tandi.	Cultivation of Tandi and Gatti ...	Thore Dhar ...	Ranka Dank and Tandi Dhar.
10			Fatehpur, Shikari ...	Ragho Nal ...	Ranka Dank and boundary of Balo Protected Forest.	Cultivation of Belho, Docha, Beun.	Kroha Dhar and Dungru Thana Forest.	Cultivation of Baga and Gajer.
11			Shikari ...	Kroha Dhar ...	Ragho Nal Forest ...	A demarcated line by the cultivation of Docha and Belho.	A demarcated line by the cultivation of Gauhaun and Bahu and boundary of Dungru Thana Forest.	Shikari Dhar.
12	Kangra.	Kulu.	Tilokpur ...	Talata ...	Dungru Thana (old boundary).	Cultivation of Bamian Khun, Khanala.	Thaniala Nal between Lawsal and Khanala.	Nagni Dhar.
13			Ditto ...	Barheach ...	Thaniala Nal ...	Cultivation of Laswal, path from Laswal to Thana Dogri by Brali Bai, cultivation of Dhar.	Ridge above Dhar to Tilokpur Fort.	Ditto.
14			Ditto ...	Dalicha ...	The cultivation of Laswal, Narain Nal and Choh Nal.	Path from Kuhara to Kandi and cultivation of Bharti Dhar.	Bharti Dhar, Thana Dhar, the cultivation of Dhar and Dhar ridge.	Path from Bral Bai to Thana Dogri.
15			Ditto ...	Latura and Shelapani ...	Baitigar ...	Path from Balagraon to Bharti Dhar, cultivation of Balagraon.	Tandi Dhar and cultivation of Boha and Tanda.	Ala Forest.

16			Tilokpur ...	Seri Shil ...	Tandi Janja Nal ...	Choa Nal ...	A demarcated line from the Choa Nal along and near the path from Jibi to Seri, thence along the cultivation of Seri and Phalia.	Ala Forest.
17			Kharagarh ...	Jibi ...	Demarcated line ...	Dugha Nal ...	Demarcated line by cultivation of Dogri and Risala.	Jibigahr.
18			Ditto ...	Dingcha Kaniali ...	Cultivation of Dhara Dogri of Dingcha and cultivation of Larwa.	Cultivation of Soja and Nali and a demarcated line from Larwa Nal to the cultivation of Soja.	Cultivation of Nali and Jau ...	Path from Nali to Jau and cultivation of Jau.
19			Ditto ...	Bakliara Bagruri ...	Cultivation of Sarti, Thana Dhar and boundary of Dala Forest.	Barwahti Dhar ...	Hirab Gad, Gyagi Gad, the cultivation of Katahr.	Bagruri Nal.
20			Ditto ...	Blaj Dhar ...	Dugha Nal ...	Cultivation of Sarti and Bagruri Nal.	Cultivation of Gyagi, Gyagi Gad.	Cultivation of Risala.
21	Kangra.	Kulu.	Ditto ...	Salono ...	A demarcated line by the cultivation of Khun Bilathach and Salono.	A demarcated line by the Salono Dhar precipice.	Dugha Nal ...	A demarcated line by the cultivation of Kutwachi and the Deuhn Nal.
22			Ditto ...	Pokhar Dhar ...	A demarcated line below the precipice.	A demarcated line by the cultivation of Khun Bila-thach and the boundary of Salono Forest.	A demarcated line by the cultivation of Cheunt, Pokhar Dhar, and Sar and the main road.	Main road cultivation.
23			Chaini ...	Kotla Dhar ...	Mahu or Rai Nal ...	Mohra Dank ...	Cho Nal ...	Path from Chaini to Sar and grass lands.
24			Ditto ...	Chiliala Dhar ...	Naga Dhar Forest Latura Dhar.	Probat Dank ...	Mahu or Rai Nal ...	Path from Chaini to Sar and a demarcated line.
25			Ditto ...	Naga Dhar ...	A demarcated line by the cultivation of Katehr and Kandragi.	Narut Dhar ...	Latora Dhar ...	Path from Kandragi to Sar and a demarcated line.
26			Ditto ...	Ranikot ...	Cultivation of Biar ...	Dashuni Nal ...	Path from Bashir to Katehr ...	Cultivation of Katehr and Biar.

First Class Demarcated Forests, Inner Sahraj—continued.

No.	District.	Pargana.	Name of Kothi.	Name of Forest.	Boundaries. North.	Boundaries. East.	Boundaries. South.	Boundaries. West.
27	Kangra.	Kulu.	Kharagarh ...	Balwagi ...	Path from Biar to Balwagi, Dogri cultivation, that cultivation, demarcated line to Bathad road, the road.	Ghanabhana Nal ...	Path from Bashir to Katehr ...	Dashuni Nal.
28			Sarchi ...	Sairopa ...	Tirthin and cultivation of Sairopa.	Oligad and a demarcated line by the cultivation of Jila Bashir.	Path from Patsa Bashir to Katehr.	Ghanabhana Nal.
29			Ditto ...	Dharagar ...	A demarcated line by and touching the cultivation of Dharagar, Nagni and Tirni Dogri.	Dharagar ...	Dharagar and Uklajan ridges...	Uklajan ridge and Oligar.
30			Ditto ...	Jutli, Kulwala and Shilwar	Cultivation of Jutli, Baswari, Bandal, and path from Bandal to Bashir.	Bashain Dhar and cultivation of Sarchi.	Bashain Dhar and a demarcated line by the cultivation of Sarchi.	Dharagar ridge.
31			Ditto ...	Chelori ...	Cultivation of Galuli, Parwari and Thera Dhar.	Cultivation of Galuli Parwari and path from Galuli to Shila.	Sidhu Dhar Barmeli Dhar ...	Shardunga Dhar.
32			Tung ...	Dimru ...	Pakhari Dhar and Tung Nal	Pakhari Dhar and Ther Dhar ...	Ther Dhar ...	Tung Nal and cultivation of Naini.
33			Nohanda ...	Bimu ...	A demarcated line by the cultivation of Tindar, Bringcha and Janer.	Deori Dhar above Tindar ...	Pakhari Dhar ...	Bimu Dhar.
34			Shangar (Srikot) ...	Dashmani ...	Jamchi Dhar ...	Dashmani Dhar ...	Kalamthachi Dhar ...	A demarcated line by the cultivation of Dhar and Barugar.

35			Plach ...	Bimu Kalaun ...	Pateli Dhar and grass land.	Path from Spanil to open waste.	Cultivation of Spanil ...	Path from Spanil to Sanjaho.
36			Ditto ...	Bohara ...	Quakiljan Dhar and cultivation of Nagahra.	Line above Pindi of Kaliari Nag	Cultivation of Pokrithach ...	Dagi-ri-bir.
37			Ditto ...	Kanail bagh ...	Cultivation of Pokrithach and Nala.	Path from Pokrithach to Nanaut	Cultivation of Nanaut ...	Cultivation of Phagraut.
38			Gopalpur ...	Chera Kalaun ...	The cultivation of Bichet and Chera and a demarcated line by Narainu's cultivation.	A demarcated line from a large boundary pillar near Narainu's cultivation to Ori.	Tandi Dhar ...	Gorigar and cultivation Chera.
39			Ditto ...	Galun Kalaun ...	Cultivation of Bari Dogri and Grahn Dogri and path to Grahn Dogri.	Gorigar and cultivation of Thani and Bichet.	Cultivation of Galun ...	Cultivation of Galun and Ali Dhar.
40	Kangra.	Kulu.	Ditto ...	Rachi Kalaun ...	Cultivation of Chanaun, Bari, Tilru Lahira.	Cultivation of Chanaun, Bari, Tilru Lahira.	Dunka and Bashrun Dhars ...	Cultivation of Chanaun and Bari.
41			Ditto ...	Wahana ...	Cultivation of Jaun ...	Cultivation of Jaun and Tathibir	Keli Dank ...	Cultivation of Kaleuni.
42			Ditto ...	Jaun Kalaun ...	Cultivation of Jaun ...	The cultivation of Jaun ...	Cultivation of Kaleuni ...	Cultivation of Jurwala and Jauri.
43			Bunga ...	Dithla Kalaun ...	A demarcated line ...	Cultivation of Dogar Kotia ...	Dinguli Dank ...	Dinguli Dank and a demarcated line.
44			Banogi ...	Khani Dhar ...	Cultivation of Dashyar, Kamurthala and Sainja.	Cultivation of Karshala, Twari, Manani.	Cultivation of Mandi and Kaunsha.	Cultivation of Kaunsha, Dashyar, Plach road.
45			Ditto ...	Marhan gahr ...	Cultivation of Manani, Karshala, Twari.	Cultivation of Pathal Bohru, thach Batehr.	Cultivation of Patahla, Maniasi Reha.	Cultivation of Mandi, Shanauli Nal.

First Class Demarcated Forests, Inner Sahraj—concluded.

No.	District.	Pargana.	Name of Kothi.	Name of Forest.	Boundaries. North.	Boundaries. East.	Boundaries. South.	Boundaries. West.
46			Banogi ...	Mahli Dhar ...	Cultivation of Kathaogi and Serahu.	Cultivation of Serahu Nai and Shar.	Boundary of Shikarla and Sarikanda Forests.	Cultivation of Maniasi, Batahir and Dhara Batahir, and a path from Batahir to Kathaogi.
47			Ditto ...	Chiliala ...	Sainj and cultivation of Girta.	Nahadgar and Tathi Nal ...	Cultivation of Kathaogi, Sharan, Jili Nal and Khoga Nal.	Khoga Nal and cultivation of Kathaogi and Girta.
48			Ditto ..	Ratina ...	Ratina Dank ...	Ori Dhar ...	Path from Uperli Nai Suchain	Nahadagar.
49	Kangra.	Kulu.	Shangar (Sainj Valley.)	Tandi Dhar ...	Sainj stream ...	Tandi Dhar ...	Path from Suchain to Shangar	Shanagar.
50			Ditto ...	Chaniara ...	Cultivation of Darwali, Chawarda, Kotwali and Digar.	Cultivation of Darwali ...	Jagnahu-thach ...	Tandi Dhar.
51			Ditto ...	Soa-ri-bir ...	A demarcated line by and touching the cultivation of Kahna.	A demarcated line by and touching the cultivation of Batahr.	So of Deota Sangchul ...	Demarcated line.
52			Ditto ...	Dolnu ...	Sainj ...	Panu Nal and a demarcated line.	Demarcated line and Sara Dhar.	Sara Dhar.

First Class Demarcated Forests, Outer Sahraj.

No.	District.	Pargana.	Name of Kothi.	Name of Forest.	Boundaries. North.	Boundaries. East.	Boundaries. South.	Boundaries. West.
1	Kangra.	Kulu.	Pandrabis ...	Tikar ...	Raitagar ...	Kajugad to cultivation of Mochka village, a demarcated line near that cultivation to Kajugad, thence Kajugad to cultivation of Kharga Dogri, a demarcated line near that cultivation to Kajugad, thence Kajugad.	Shame Dhar and cultivation of Shame Dhar Dogri, thence the dry Nal through Tikri Kod, thence the Tikar Dhar.	Cultivation of Dwari and Sharan Dhar to Tarapur Fort.
2			Dhaul ...	Shikarwa ...	Rare-Bai-Nal ...	Path ...	Line from cultivation of Surat Ram to Soich Dogri.	Dhaulgarh Dhar and a demarcated line by the cultivation of Bali.
3			Kandi and Himri ...	Ramgarh ...	Cultivation of Chuna-gai and Nishani.	Cultivation of Chaglot, Bogba Nal and Seta Dank.	Bathini Dank to Ramgarh and Koptu Dhar.	Path from Kathanda to Chunagai and cultivation of Kanota.
4			Kot ...	Reuns ..	Birni and Marhaun Dhars...	Natural limit of the forest ...	Nagehrgahr ...	Demarcated line from Biranthana, excluding cultivation of Reuns.
5			Bahramgarh ...	Kandu and Shilar ...	Shungra Dhar and Tandu Dhar to Rachokri.	Cultivation of Tharla, path to Sarahu, Garsheni Dhar, and cultivation of Sagopha.	Cultivation of Sagopha, known as Bung.	Rachokri Dhar.
6			Ditto ...	Kula-pani ...	Braili or Khara Dhar ...	Demarcated line by cultivation of Jogi of Daler.	Demarcated line by cultivation of Saburno of Sikhin.	Kula Dhar.

First Class Demarcated Forest, Outer Sahraj—continued.

No.	District.	Pargana.	Name of Kothi.	Name of Forest.	Boundaries. North.	East.	South.	West.
7	Kangra.	Kulu.	Bahramgarh ...	Drad ...	Ridge between Outer and Inner Sahraj.	Mandrao Dhar and Kula Dhar ...	Demarcated line by Palori bil above Bijuri and Drad Dogris.	Aknagar and Ratacho.
8			Ditto ...	Lohr ...	Akangad and demarcated line near Kalai Dogri.	From Akangad a demarcated line round Nohr's field, along the foot path to Bhata Dogri Dhar and up this Dhar.	Tharwa Dhar ...	Boundary of Bijuri Forest.
9			Naraingarh ...	Bijuri ...	Ridge between Outer and Inner Sahraj.	Ratacho, Akangar, cultivation of Drad and Dal Dogris, Akangar, cultivation of Trala, Akangar, cultivation of Kalai Dogri.	Kalaigar ...	Bajanda or Kamlahi Dhar.
10			Ditto ...	Bashad ...	Demarcated line by Kasunthach and Bashad Nal.	Nathai Dhar and a demarcated line by the cultivation of Tand, Pharailavi and Lahul.	Machlach Nal ...	Naraingarh Dhar.
11			Ditto ...	Kut ...	Kaya Nal ...	Kamlahi or Bajanda Dhar ...	Kandu Dhartu and cultivation of Surgo of Trala.	Cultivation of Banas Mati's Dogri, Nilo-pani Nal, and path from the pass to Ladag.
12			Ditto ...	Drad-Reuns ...	Khano Nal ...	Naraingarh Dhar ...	A demarcated line by and touching the cultivation of Dhar and Ghaner and the ridge behind Kutna.	Gatargar.

13A			Ditto	Sathabindri ...	Cultivation of Buti Dhar ...	Ding-gar and Phalan-gar ...	Nono-Kanda ...	Teli Dhar and Airan Dhar.
13 B			Ditto ...	Traijakar ...	Cultivation of Buti Dhar and Bahua stream.	Airan Dhar and Teli Dhar ...	Cultivation of Tapranda, a demarcated line by the cultivation of Bishlani, Jalar Dhar and Sukha Nal.	A demarcated line by and touching the cultivation of Sun, Pakalti, Shamshar, Dogi Jaler and Bahua.
14			Himri ...	Marha-Kod ...	From Dagela Nal a demarcated line to Dala Devi Dhar, the Dala Devi Dhar, thence a demarcated line to Kadhara Dhar.	A demarcated line from Wantsu to Hawaltu Dank to Naigar, to Bai Nal, to Chiun Dhar, thence Chiun Dhar and Kadhara Dhar.	Latanda Dhar ...	Boundary of Himri and Naraingarh Kothis to the Dagela Nal.
15			Ditto ...	Lotkyaun ...	Cultivation of Gaura ..	Cultivation of Shaha and a demarcated line above the path from Draha to Khauon.	Cultivation of Dra ...	Demarcated line towards waste land.
16			Ditto ...	Shila ...	Cultivation of Karam Das and Saoli Nal.	Phanu Nal, ridge to Chebini path, and along that path to Mujima Dank.	Mujima Dank and demarcated line.	Path from Damah and demarcated line by cultivation.
17			Srigarh ...	Gwan ...	Press Nal and Sarli Nal ...	Sarli Nal ...	Kalai Nal and demarcated line by cultivation of Sui Dhar.	Demarcated line by cultivation of Sui Dhar.
18	Kangra.	Kulu.	Ditto ...	Bhon ...	A demarcated line from junction of Shaun-pasa Nal and path from Dalash to Dher, to Tipri cultivation, that cultivation, northern path from Bhun Pani to Galog, and a demarcated line a short distance south of that path.	Demarcated line by Bhon Nal and Shaun-pasa Nal.	Malti Dhar ...	A demarcated line from Malti Dhar to Kharog cultivation to a point south of the northern path from Bhun Pani to Galog.
19			Ditto ...	Lambi Dhar ...	Arnigar ...	Bara Nal ...	Line from Sai Salaun below cultivation of Bargai Dhar.	A demarcated line from Shiliolropa to Lambi Dhar Dagri to a pillar on Lambi Dhar.
20			Ditto ...	Dagrut ..	Arnigar ...	Sharan Dhar, round the cultivation on its western side and Sharan Dhar.	A demarcated line by and touching the cultivation of Shai.	Dagrut Nal.
21			Ditto ...	Koi Jakar ...	A demarcated line by the cultivation of Thabol and Kasta.	A demarcated line by the cultivation of Kasta and Ladog.	A demarcated line by the cultivation of Ladog and Thanog.	Path from Thanog to Thabol.

First Class Demarcated Forests, Outer Sahraj—concluded.

No.	District.	Pargana.	Name of Kothi.	Name of Forest.	Boundaries. North.	Boundaries. East.	Boundaries. South.	Boundaries. West.
22	Kangra.	Kulu.	Srigarh ...	Baro Bahrd ...	Bahrd Nal and Narhes Nal	A demarcated line by and touching the cultivation of Barog and Dugni Nal.	A demarcated line by the cultivation of Tharog.	A demarcated line by the cultivation of Baro Dogri, Ladog and Kawi.
23			Ditto ...	Oli Nal ...	Path from Tharog to Buhan and demarcated line by cultivation of Tharog and Buhan.	Demarcated line by cultivation of Kanda and Buhan.	Basta Dhar, or Srigarh Dhar ...	Srigarh Dhar and a path.
24			Ditto ...	Shila ...	A demarcated line by the cultivation of Maroldal, Lutni-bil Kanda, Phabel and Patharage, Kathila Nal and Jamu-age Thach.	Demarcated line by Thada-age...	Jagatpur Dhar, the cultivation of Shekta and a demarcated line to Jamu-ro-Nal, south of the Simla road.	Jamu-ro-Nal.
25			Jalori ...	Phon ...	Demarcated line by cultivation of Darli.	Baghala Nal ...	Demarcated line above Kansel Dogri.	Kansel Nal and a demarcated line by the cultivation of Kutua.
26			Ditto ...	Parkot Shil and Jukani ...	Thali Dhar ...	Kushugar ...	Ridge below Kanda, and demarcated line above cultivation of Kanda and Kashan Dogri.	Jaglot Dhar, demarcated line under cultivation of Khemi Ram, Parkot and Thali Dhar.
27			Ditto ...	Bung Bindraban ...	Jadar Nal and demarcated line by cultivation of Kathol and Pawi.	Bung Dhar and Teli Dhar and a demarcated line by the cultivation of Sisu Kohli.	Boundary of Kani and Koela Phatis, demarcated line under cultivation of Dilari and Surti and Gadari Nal.	Khanergar.

28	Kangra.	Kulu.	Ditto ...	Kata Dhar and Recha Thach.	A demarcated line by Simla road and Kot, the Rakhaigar, and thence the boundary of Jalori Forest (2nd class).	Demarcated line to Bata Dhartu on Kanda Dhar.	Demarcated line, Simla road, and ridge behind Gagina into the Rakhaigar.	Choad Nal and demarcated line by Kota Dhartu.
29			Raghopur ...	Chajala ...	Reunsi Nal ...	Khanergar ...	Odigai Nal ...	Chotar Dhar (Kalandi Dhar).
30			Ditto ...	Chotar ...	Odigai Nal ...	Khanergar and demarcated line excluding cultivation on its right bank.	Chari Nal and demarcated line by cultivation of Upper and Lower Patarna.	Ditto ditto.
31			Raghopur and Janga ...	Jakro ...	Chari Nal ...	Demarcated line above cultivation of Lami Dhar, Bagi and Banshira.	Marogi Dhar behind Sathani ...	Jakro or Kalandi-Dhar.
32			Raghopur ...	Kalan-di-Dhar ...	Demarcated line by Sara Thach and Agia Dhar.	Kalan-di-Dhar (Chotar, Jakro or Banshira Dhar).	Demarcated line by cultivation of Tipar.	Demarcated line by cultivation of Shoda, Balel, Kalaun Dogri, Goba Malchani, Lama Kaliala, Khaneri and Kuni Kutla.
33			Ditto ...	Marog, Shil and Gada Jakar	Sauein Dhar, Takrasi Dhar, and demarcated line by cultivation of Tharwa.	Begar Nal and demarcated line to Kandi Shoda Dhar.	Kandi, Shoda Dhar and Bali Dhar.	Demarcated line by cultivation of Masiad and Marog and the Masiada Nal.
34			Jhanja ...	Thach Shil ...	Kui Nal and Kundri Nal ...	Sampur Dhar ...	Demarcated line by cultivation of Glach and Thach.	Thach Nal.
35			Ditto ...	Bagigalai and Paneo ...	Bres Nal, cultivation of Asham and Samphal Dhar.	Demarcated line by cultivation of Bagi, excluding the Rundiso.	Demarcated line by cultivation of Kutal, Upper and Lower Jaira.	Bala Nal and demarcated line by cultivation of Bala and Roti.
36			Ditto ...	Paleini Chalaun ...	Demarcated line by grass land, and cultivation of Paleini, Bislelo and Bislelo Nal.	Jamdagar ...	A demarcated line above Anigad and Tishan Dogri.	Thani Dhar.

First Class Demarcated Forests, Waziri Rupi.

No.	District.	Pargana.	Name of Kothi.	Name of Forest.	Boundaries. North.	Boundaries. East.	Boundaries. South.	Boundaries. West.
1	Kangra.	Kulu.	Kanawar ...	Gahr Nal ...	Demarcated line ...	Demarcated line ...	Cultivation of Chauki.	Gahr Nal.
2			Ditto ...	Reoni ...	Ditto ...	Mangchipat or Weram Dhar ...	Parbati and cultivation of Katagla, Sitona Chalal and Chanalbera.	Reoni Nal.
3			Ditto ...	Bekhal Ser ...	Cultivation known as Weram and Kihara Nal.	Demarcated line towards Gargi	Cultivation of Choj ...	Mangchipat or Weram Dhar.
4			Ditto ...	Paj-banag ...	Dringcha Dhar and Runga Dhar.	Runga Dhar and Drag Lota Dhar.	Cultivation of Lapas Rashkar, Uchich and Kukri.	Dringcha Dhar.
5			Ditto ...	Rati-rar ...	Misu Ora Dhar and Runga Dhar.	Misu Ora Dhar ...	Cultivation of Barsaini Tauk and Kukri.	Brag Lota Dhar and Runga Dhar.
6			Ditto ...	Kalga and Chakshi ...	Parbati and demarcated line by cultivation of Tulga, Phulga, Garjhi Nal and Phulga Reserve.	Piatskari Nal ...	Demarcated line excluding Kutangcho, Parung and Swaja in thaches.	Chakshi Nal.
7			Ditto ...	Nakas ...	Parbati ...	Demarcated line by the Chakshi, cultivation of Phulga and the Chakshi Nal.	A line from Swajani Thach to Kalingcha Thach, to Lohni Thach excluding the Thaches.	Dudi-Khol Nal.
8			Ditto ...	Shtaligar ...	Parbati and cultivation of Balarga.	Pate-di-Dhar ...	Pate-di-Dhar and Sarakanda Dhar.	Chanan Dhar and Pulgi Nal.
9			Ditto ...	Khobas ...	Parbati demarcated line by the cultivation of Goj, the Parbati and a demarcated line by the cultivation of Kasol.	Pulgi Nal and Chanan Dhar ...	Bir agli Dhar to Sarakanda ...	Grahu Nal.

10			Harkandi ...	Rani-thathi ...	Soma Chalaun Reserve ...	Kufriage Dhar ...	Kufriage Dhar ...	Dabgan Dhar.
11			Ditto ...	Dunkra and Muil ...	Parbati ...	Dabgan Dhar and Kandi Dhar...	Dabgan Dhar and Kandi Dhar	Demarcated line by cultivation of Dadai Chinaldi, Phuntal, Bohar and Chakina.
12			Ditto ...	Saran ...	Boundary of Bindraban Reserve.	Cultivation of Siraniber and Khanor Nal.	Kaili Dhar ...	Bindrabani Dhar-
13			Ditto ...	Rakotan ...	Khanor Nal and Bragnumar Nal.	Khanor Nal ...	Cultivation of Huran ...	Cultivation of Huran and Bragnumar Nal.
14			Ditto ...	Ori Dhar ...	Demarcated line by cultivation of Til and Sangchan path from Sangchan to Siraniber.	Bindrabani Dhar ...	Kaih Dhar ...	Demarcated line of Kaili Forest.
15			Ditto ...	Jari ...	Parbati ...	Demarcated line by cultivation of Jari and Pathla.	Bindraban Reserve ...	Bindrabani Dhar and cultivation of Bagianda.
16	Kangra.	Kulu.	Ditto ...	Kailiban ...	Cultivation of Dharmaur, Takrer, Nagoti and Keshada.	Demarcated line ...	Kaili Dhar ...	Demarcated line.
17			Ditto ...	Chola ...	Kaili Dhar ...	Muripat ...	Shat Nal ...	Demarcated line near Shupupattar.
18			Chung ...	Pati ban and Khanoru Nal	Shat Nal ...	Demarcated line to exclude Mohru Thach.	Malin Dhar ...	Raj-thathi Dhar.
19			Ditto ...	Raj-thathi ...	Demarcated line by cultivation of Tilari, Ratacha, Dhara, Chatrani, Balgani, Romas.	Raj-thathi Dhar ...	Malin Dhar ...	Precipice.
20			Kot Kandi ...	Chari Thach ...	Karli Nal, Chiror Nal, and demarcated line by cultivation of Baragi and Shala.	Tilawa Dhar ...	Tilawa Dhar ...	Shala Nal.
21			Ditto ...	Khoru Thach ...	Demarcated line by cultivation of Kona Chauki, Lashni, Sangter Naragi.	Shala Nal ...	Ditto ...	Kot Kandi Dhar.
22			Ditto ...	Slas-gahr ...	Cultivation of Lashmi and Kot.	Cultivation of Lashmi and Kot	Precipice ...	Small ridge towards Seund.

First Class Demarcated Forests, Waziri Rupi—continued.

No.	District.	Pargana.	Name of Kothi.	Name of Forest.	Boundaries. North.	East.	South.	West.
23	Kangra.	Kulu.	Kot Kand ...	Masu and Dhimkri ...	Shandi Pani Nal, a demarcated straight line from the head of this Nal to Choti Kot Kandi, boundary of Khoru Thach protected forest to Moti Kot Kandi.	Diyar ridge ...	Diykri Dhar ...	Demarcated line above cultivation of Chama, Bhatgraon and Piasin.
24			Ditto ...	Nirgali Ban ...	Girt Nal ...	Kumand Nal and demarcated line.	Kundlu Dhar ...	Bhosa Path.
25			Ditto ...	Nari Dhar .	Demarcated line along foot of precipice.	A demarcated line by and touching the cultivation of Hawai.	Demarcated line ...	Nari Dhar.
26			Ditto ...	Shilanda ...	Demarcated line ...	Cultivation of Siah ...	Demarcated line along a small ridge.	Shilanda Dhar.
27			Ditto ...	Sisgahr ...	Dridhar ...	A demarcated line by the cultivation of Sis.	Garid Dhar ...	Kani Kanda Dhar.
28			Ditto ...	Brasu ...	Lingri Nal ...	Najan Kanda Dhar ...	Small Dhar above Aisha ...	Demarcated line.
29			Ditto ...	Gotich ...	A demarcated line excluding Kyona Thach and by the cultivation of Ursu.	Ursu Nal ...	Hurla stream ...	Kyona Dhar.

30			Ditto ...	Bajann	Katagla Dhar	Katagla Dhar	Hurla stream, and the cultivation of Juni and Bradal to the Dhar where the path from Ursu to Juni crosses it.	Krasbing or Bradal Dhar.
31			Ditto ...	Katrani	Keloban Reserve and demarcated line to the head of the Rungni Nal.	Cultivation of Maniar	Katagla Dhar	Katrani Dhar.
32			Ditto ...	Shilagahr	Hurla stream	Demarcated line below Reas, Kabri and Pulia Thaches.	Demarcated line below Reas, Kabri and Pulia Thaches.	Pulia Nal.
33			Bablan ...	Juligahr	Hurla stream and line round the cultivation of Demgu Dagi.	Niargar Nal, Kalpattar, Kalpattar Dhar.	Pachasni Dhar, Juli Dhar and Birsogi Dhar.	Birsogi Dhar and Pachasni Dhar.
34	Kangra.	Kulu.	Ditto ...	Brionagahr	Demarcated line and path from Dhara to Dilahu.	Dilahu	Demarcated line by the cultivation of Palgi.	Shegal Dhar.
35			Ditto ...	Ilagahr	Birsogi Dhar and Juli Dhar.	Juli Dhar and Socha Dhar ...	Bal Nal	Demarcated line above cultivation of Birsogi and Palgi, and path from Palgi to Bablan.
36			Ditto ...	Sawani	Bal Nal	Kanda Dhar or Tandi Dhar ...	Kanda Dhar and Ram Chand's field.	Kanda Nal.
37			Ditto ..	Lichan	Thali Dhar...	Demarcated line	Demarcated line by Tulo's field.	Bal Nal.
38			Ditto ...	Rajiara	Demarcated line by cultivation of Maun.	Kanda Nal	Kanda or Tandi Dhar	Birni Dhar.
39			Ditto ..	Tandi	Demarcated line by cultivation of Damrogi and Ranaul.	Birni Dhar	Tandi or Jamir Dhar	Kanda Pujuedi Dhar.

First Class Demarcated Forests, Waziri Rupi—concluded.

No.	District.	Pargana.	Name of Kothi.	Name of Forest.	Boundaries. North.	Boundaries. East.	Boundaries. South.	Boundaries. West.
40	Kangra.	Kulu.	Bahlan	Goba	Demarcated line by cultivation of Neul and Garsa.	Kanda Pujuedi Dhar and Damiogi Dhar.	Jamir Dhar	Pakna Dhar.
41			Ditto	Shari Dal	Demarcated line	Pakna Dhar	Shari Dal Dhar	Shari Dal Dhar.
42			Ditto	Maulgahr	Garth Nal and demarcated line by cultivation of Maul	Rungul Dhar	Sharni Dhar	Sharni Dhar.
43			Ditto	Run	Demarcated line by cultivation of Dunala.	Run Nal and demarcated line by cultivation of Kaniargi and a path.	Kajuri Dhar	Kajuri Dhar and demarcated line.
44			Ditto	Sharangahr...	Demarcated line by cultivation of Pali Nag and Bupin.	Birshaunugar	Demarcated line by cultivation of Jakru Ladiara Patmohl.	Murda Dhar.
45			Sainsar	Thanor	Jewa Nal, Bakri Nal, and Bakri Dhar.	Sawan Kanda	Parrini Dhar and Niri Nal ...	Jewa Nal.
46			Ditto	Panu Dhar	Demarcated line by cultivation of Mail.	Ranaga Dhar	Panu Dhar	Mail Nal.
47			Ditto	Ranaga	Ranaga Nal from rock on Niri Dhar.	Majan Nal	Niri Dhar	Ranaga Dhar.
48			Ditto	Aoti Dhar and Shilut ...	Water parting of Garthol Nal and Sainj.	Aoti Dhar and Damodhri Dhar	Sainj stream	Majan Nal and demarcated line by cultivation of Majan.

The 1st June 1896.

No. 281.—*Notification.*—His Honor the Lieutenant-Governor of the Punjab is pleased, in accordance with Section 28 of Act VII of 1878 (The Indian Forest Act), to declare the provisions of Chapter IV of that Act applicable to the forest and waste land included in the following statement:—

Second Class Demarcated Forests, Kulu Proper.

No	District.	Pargana.	Name of Kothi.	Name of Forest.	Boundaries.			
					North.	East.	South.	West.
1			Monali ...	Kangni ...	Natural limit of the forest	Beas Kund and cultivation of Solang, Rewar, Palchan	Cultivation of Burwa, Bal-ki-Dhar Mech-ki-Dhar.	Natural limit of the forest.
2			Ditto ...	Mirg-ki-Dhar ...	Mech-ki-Dhar ...	Timp Nal ...	Kreo-ra-Nal ...	Ditto ditto.
3			Ditto ...	Shanag Shil ...	Kreo-ra-Nal, Halindi or Shanag Nal.	The Deora Dugh Nal, a demarcated line to Kuta-ri-Dhar, and a demarcated line across Rajol Nal to Kuta-ri-Dhar.	Kuta-ri-Dhar and Gulu Dhar ...	Ditto ditto.
	Kangra.	Kulu.	Ditto ...	Sanchal ...	Kuta-ri-Dhar ...	The cultivation of Monali and a demarcated line to Gulu Dhar.	Gulu Dhar ...	Gulu Dhar and Kuta-ri-Dhar.
5			Ditto ...	Bang-Dwari ...	Gulu Dhar ...	A demarcated line by the Monali Baharla and Tithia phats.	Monalsu Nal ...	Natural limit of the forest.
6			Ditto ...	Monalgahr ...	Monalsu Nal ...	Bajraundi and Bain Padru 1st class protected forests.	Banaun Nal ...	Ditto ditto.
7			Ditto ...	Kanialgahr ...	Banaun Nal ...	The western boundary of Bajraundi 1st class protected forest and a demarcated line by and along a Dhar near the cultivation of Kanial.	Seshor Nal ...	Ditto ditto.

Second Class Demarcated Forests, Kulu Proper—continued.

No.	District.	Pargana.	Name of Kothi.	Name of Forest.	Boundaries. North.	Boundaries. East.	Boundaries. South.	Boundaries. West.
8	Kangra.	Kulu.	Monali ...	Shalingarh ...	Seshor Nal ...	Cultivation of Kanail, Guglu Dhag 1st class protected forest, cultivation of Kaloint Shalin village and the Shalin reserve	Bedharang Dhar between Monali and Baragahr Kothis.	Natural limit of the forest.
9			Ditto ...	Gumeri ...	Natural limit of the forest	Natural limit of the forest ...	Shelagahru Nal. ...	Beas Kund.
10			Ditto ...	Patalsu ...	Shelagahru Nal ...	Natural limit of the forest, precipices above Rabla.	Cultivation of Kothi Rewar, Palchan Solang.	Ditto.
11			Ditto ...	Kothi-Tich ...	Sarhi Nal ...	Natural limit of the forest ...	Niargar and Nakora Nals and a line between Sindar and Mandar thaches,	A demarcated line by the cultivation of Kothi and the Beas river.
12			Ditto ...	Matiban ...	Niargahr and line between Siandar and Khanora thaches.	Ditto ditto ...	Chor Nal ...	Beas and cultivation of Gushal and Kuling.
13			Jagatsukh ...	Munjuban ...	Chor Nal ..	Ditto ditto ...	Khanor-ni-Nal ...	A demarcated line by the cultivation of Bashist.
14			Ditto ...	Suri Dhar ...	Khanor-ni-Nal ...	Ditto ditto ...	Talai Nal ...	Cultivation of Mathiana and Sial Thach.
15			Ditto ...	Upper Dudlu ...	Talai Nal ...	Ditto ditto ...	Line of Kala-pat-Nal ...	Mahun Dhag.
16			Ditto ...	Upper Ralmi ...	Line of Kala-pat Nal ...	Ditto ditto ...	Precipices on north of Alaini Nal.	Ditto.
17			Ditto ...	Hamtagahr ...	Alaini Nal ...	Ditto ditto ...	Phari Nal ...	The eastern boundary of Jalor Reserved Forests and the cultivation of Prini.

18			Ditto ...	Jumari Dhar ...	Phari Nal ...	Ditto ditto ...	Dohangnu ...	A demarcated line from Guni Nal, along Jumari Dhar to Nagni Nal, along this Nal to Dohangnu.
19			Ditto ...	Bansai-da-dugh ...	Dohangnu ...	Ditto ditto ...	Kur-ri-thach Dhar ...	Brunu Dhar and Khoru Thach.
20			Ditto ...	Jamudugh ...	Brunu Dhar ...	Brunu Dhar and Naga Dhar ...	Naga Dhar ...	A demarcated line from Brunu Dhar to Niara Nal, thence part of the eastern boundary of Padri Chalaun Protected Forest. A demarcated line to Naghadhar at the point where the cultivation of Banari Thakur Dogri meets the Dhar.
21			Barsai ...	Upper Sajla-sil ...	Karnoi Nal ...	Natural limit of the forest ...	Ragbarag and Thali-ki-Dhar ...	Kiru Phat.
22			Ditto ...	Upper Seta Dhag ...	Thaliki Dhar ...	Ditto ditto ...	Dialing Dhar ...	Chopru Phat and Dialing Rewar.
23	Kangra.	Kulu.	Nagar ...	Jangi ...	Pakhnoj Nal ..	Ditto ditto ...	Chaki Nal, Kota Nal, Narol pani Nal and Thana Dhar.	Cultivation of Barhi-ra-graon, Raman. Path from Baltha to Charahu Dogri and Jogin.
24			Ditto ...	Parol ...	Chaki Nal ...	Ditto ditto ...	Nishala Nal ...	Cultivation of Karohl, Tila-Sharni, Chejogi, Rumsu, Soich, Pulang.
25			Ditto ...	Upper Sesni ...	Nishala Nal ...	Ditto ditto ...	Path from Barnant to Sawalu-ri-Shari.	Soini Nal and cultivation of Nathan.
26			Ditto ...	Marhaun ...	Path from Barnant to Swalu-ri-Shari.	Sarachoru Dhar (high up) and natural limit of the forest.	Raogi or Garth Nal ...	Cultivation of Jana Sarachoru Dhar and Soini Nal.
27			Ditto ...	Padra Reas ...	Kaogi or Garth Nal ...	Kalami Dhar ...	Kalami Dhar ...	Cultivation of Jana and Bama-Chanal Nal.
28			Nagar (Malana) ...	Bujoin Dhar ...	Yushko Nal ...	Gahar Nal ...	Bujoin Dhar ...	Cultivation of Malana.
29			Ditto ...	Baundu-ra-shangti and Pa-chotang.	Kala-pat Nal ...	Kanawar Kothi of Rupi ...	Kanawar Kothi of Rupi ...	Gahar Nal.
30			Ditto ...	Dudlu ...	Tichani Nal ...	Kanawar Kothi ...	Kalpat Nal ...	Cultivation of Malana.

Second Class Demarcated Forests, Kulu Proper—continued.

No.	District.	Pargana.	Name of Kothi.	Name of Forest.	Boundaries.			
					North.	East.	South.	West.
31	Kangra.	Kulu.	Nagar (Malana) ...	Tangrol ...	Gahar Nal and natural limit of the forest.	Kanawar Kothi and natural limit of the forest.	Cultivation of Malana and Tichani Nal.	Gahar Nal.
32			Kais ...	Mati Kuchar ...	Kalami Dhar ...	Deodana Dhar ...	Panani Nal ...	A demarcated line by the culti-vation of Banagi Ghat, Dhara, Tanda.
33			Ditto ...	Mahant ...	Panani Nal ...	Malthan Dhar ...	Line from Kharga Nal to Rasi-age.	Grass land of Gahar, Lahri Manari.
34			Ditto ...	Pinsu ...	Oridhar ...	Cultivation of Girwa, Pinsu, Tikar.	Baldachi Dhar ...	Deodana Dhar.
35			Baragarh ...	Khorudugh ...	Natural limit of the forest	Jagot Dhar ...	Cultivation of Shegli ...	Sujoin Nal.
36			Ditto ...	Gogal ...	Sujoin Nal and natural limit of the forest.	Cultivation of Kasheri ...	Buja Nal ...	Natural limit of the forest.
37			Ditto ...	Nagoni ...	Buja Nal ...	Cultivation of Halan Phati ...	Garth Nal ...	Ditto ditto.
38			Ditto ..	Halan Sil ...	Garth Nal ...	Ditto ditto.	Buju Dhar and Baragarh Dhar	Ditto ditto.
39			Hurang ...	Naraindugh ...	Natural limit of the forest	Jigling Nal, cultivation of Kathi Kukri.	Galing Nal ...	Ditto ditto.
40			Ditto ...	Manjlaban ...	Galing Nal ...	Cultivation of Neri, Drahl, Bagani Pararhi.	Pararhi Nal and Tathi Dhar ...	Ditto ditto.
41			Ditto ...	Peting ...	Pararhi Nal ...	A demarcated line from Tathi Dhar by the cultivation of Tojal to Pararhi Nal.	Tathi Dhar ...	Kot Kandi Dhar.
42			Ditto ...	Hamsu Shil ...	Cultivation of Dhara, Dalogi, Fojal, Rung.	Boundary of Hurang and Man-dalgarh Kothis.	Boundary of Hurang and Man-dalgarh Kothis.	Thathi Dhar.

43			Mandalgarh ...	Jabho Shil ...	Boundary of Hurang and Mandalgarh Kothis, cultivation of Salingcha.	Cultivation of Salingcha and Phalain.	Mandalgarh Dhar ...	Boundary of Hurang and Mandalgarh.
44			Ditto ...	Hari-pani ...	Kalichang Nal ...	Kalichang Nal ...	Soldhar and a demarcated line by the Thaches.	Natural limit of the forest.
45			Raisan ...	Shilagahr ...	Cultivation of Mati Shil, Shil Gangrer, Lanjer, Jahahra Sidi.	A demarcated line by the cultivation of Sejuni and Garani.	Rampur and Anipattar Dhars ...	Goimang Nal.
46			Ditto ...	Kalabakra ...	Balka-ra-Nal ...	Balka-ra-Nal and Lori Achhri Nal.	Lohri Achhri Nal ...	Natural limit of the forest.
47			Ditto ...	Shila Dhal ...	Cultivation of Biasir and Lohri Achhri Nal.	Boundary of Raisan and Sari Kothis.	Lohri Achhri Dhar ...	Ditto ditto.
48			Sari ...	Upper Patha Nali ...	Jingiri Nal ...	Sara-ka-Nal ...	Daili Dhar ...	Ditto ditto.
49	Kangra.	Kulu.	Mangarh ...	Gorudugh ...	Sarvari and natural limit of the forest.	Sarvari and cultivation of Samaling.	Cultivation of Samaling and Tathi Dhar above Tiun.	Ditto ditto.
50			Ditto ...	Chebanag ...	Tathi Dhar above Tiun ...	Tiun Nal and cultivation of Tiun Drijag, Samana.	Samana Nal ...	Ditto ditto.
51			Ditto ...	Bakar-rera ...	Samana Nal ...	Cultivation, Samana, Sangochan, Dogri.	Sapur Nal ...	Ditto ditto.
52			Ditto ...	Sapur Nal ...	Sapur Nal ...	Cultivation of Dogri, Abidarang, Jakel, Krashang Thach.	Ori Dhar, Bara-ra-Tila (Mangarh Fort) boundary between Mangarh and Chauparsa Kothis.	Mandi.
53			Chauparsa ...	Gong ...	Gahi-da-Nal and Bara-ra-Tila.	Cultivation of Kashamti and Teling.	Thathi Dhar ...	Ditto.
54			Ditto ...	Baluka Nal ...	Tathi Dhar ...	Cultivation of Kashamti Teling and Karaun.	Bakar Kyara Dhar ...	Ditto.
55			Ditto ...	Shakhal ...	Bakar Kyara Dhar ...	Cultivation of Karaun ...	Dali-ka-Nal ...	Ditto.
56			Ditto ...	Dali Kutla ...	Dali-ka-Nal ...	Cultivation of Dali ...	Sawin Dhar ...	Ditto.

Second Class Demarcated Forests, Kulu Proper—concluded.

No.	District.	Pargana.	Name of Kothi.	Name of Forest.	Boundaries. North.	Boundaries. East.	Boundaries. South.	Boundaries. West.
57	Kangra.	Kulu.	Chauparsa ...	Pheti Mel ...	Bangeri Nal and cultivation of Bari Neri.	Cultivation of Bari Neri ...	Sawin Dhar ...	Cultivation of Mati Neri.
58			Tarapur ...	Jamupani ...	Sawin Dhar ...	A demarcated line to the cultivation of Kopri, this cultivation, a demarcated line to the cultivation of Shangar, this cultivation, and the cultivation of Margan and Bramin.	Bapha-ra-Nal ...	Mandi.
59			Ditto ...	Lang Thach ...	Bapha-ra-Nal ...	Cultivation of Margan, a demarcated line by the cultivation of Kharka, Baliani and Smirag to Lang thach, round the thach in Kutlu Nal.	Kutlu Nal, boundary of Tarapur and Maharaja Kothis.	Ditto.
60			Maharaja ...	Hathipur ...	Kutlu Nal, boundary of Maharaja and Tarapur Kothis.	Januga Reserved Forest, Marig Forest, Nakspali cultivation.	Northern boundary of Mulag thana Protected Forest.	Ditto.
61			Ditto ...	Marig ...	The foot-path from Jaung to Bahai.	Jor-bai Nal ...	Nakspali cultivation ...	Than Khor and Jaungara Nal.
62			Ditto ...	Mandadwar ...	Kutlu Nal ...	Swarbanag Nal ...	The cultivation of Lai and part of the northern boundary of Chakoin 1st Class Protected Forest.	Cultivation of Dhadag.
63			Ditto ...	Mathiana ...	Khas Dhar ...	Cultivation of Bansu and Bakri and Kastara-ra-Nal.	Chilawara Nal ...	Mandi.
64			Maharaja Khokhan ...	Mujig ...	Niaragahr Reserve ...	Niaragahr Reserve ...	Niaragahr Reserve ...	Ditto.
65			Khokhan ...	Auriban ...	Janal Dhar ...	Cultivation of Janal ..	Kashgara-ka-Nal ...	Spur above Chorgraon.
66			Ditto ...	Lotbanalig ..	Kashgara-ra-Nal ...	Tichi Nal ...	Negni 1st Class Protected Forest.	Cultivation of Lot.

SECOND CLASS DEMARCATED FORESTS, INNER SAHRAJ.

Second Class Demarcated Forests, Inner Sahraj.

No.	District.	Pargana.	Name of Kothi.	Name of Forest.	Boundaries. North.	Boundaries. East.	Boundaries. South.	Boundaries. West.
1			Fatehpur ...	Kajlahr ...	Balt Nal ...	Pathra Kandi Dhar ...	Outer Sahraj ...	Sherwagi Nal and cultivation of Patan.
2			Ditto ...	Bajcha ...	Padiar-ra-Nal ...	Cultivation of Dheon and Aloha called Ohin.	Devi-ki-Dhar ...	Padiar ra-Nal and Devi-ki-Dhar.
3			Ditto ...	Bhind Ali ...	Cultivation of Dheon and Aloha.	Padiar-ra-Nal ...	Outer Sahraj ...	Pathra-Kandi-Dhar.
4			Ditto ...	Salut ...	Loi Mati Nal up to Parabat	Dauni Dhar ...	Outer Sahraj ...	Padiar-ra-Nal.
5			Ditto ...	Kashia Dhar ...	Badihala Gahr ...	Dageshar Dhar ...	Kashia Dhar and Kura Dhar ...	Ditto.
6	Kangra.	Kulu.	Ditto ...	Kheunt and Bahli Shil ...	Chatagar Nal ...	Bomphali Dhar ...	Bansh Dhar ...	Chatagar Nal and Bansh Dhar.
7			Ditto ...	Reli Ketert ...	Panjiali Dhar ...	Panjiali Dhar and Gaini Dhar...	Gaini Dhar ...	Juphragahr, Heni Nal and cultivation of Sirandi.
8			Ditto ...	Bataigahr ...	Moharagahr ...	Fatehpur Dhar ...	Panjiali Dhar ...	Juphragahr.
9			Fatehpur Tilokpur ...	Palan Ala Bung ...	A demarcated line below Tilokpur Fort and near Plan dogri.	Cultivation of Plan Dogri Shelapani Forest; cultivation of Tandi, Seri Shil Forest; cultivation of Phalia.	Serjanja Nal ...	Fatehpur Dhar.
10			Kharagarh ...	Jalora ...	Reli Nal, Hirabgar, Jalora Dhar, and ridge above Dingcha and Larwagar or Jibigar Badhar Nal.	Sakiran Dhar; natural limit of the forest.	Outer Sahraj ...	Bomphali Dhar.
11			Ditto ...	Kansar ...	Bauhlu Dhar ...	Sakiran Dhar ...	Reli Nal ...	Cultivation of Lajwar.

12	Kangra.	Kulu.	Kharagarh ...	Dala ...	Chonal between Chaini and Kharagarh Kothis.	Sakiran Dhar ...	Bauhlu Dhar ...	Forest, a demarcated line by the cultivation of Sarti and Bagruri and a demarcated line above the precipice.
13			Chaini ...	Sakiran ...	Path from Patsa Bashir to Ketehr.	Danda Dhar ..	Duga thach; boundary of Chaini and Kharagarh Kothis.	Narut Dhar.
14			Sarchi ...	Sakiran Kanda ...	Phaltagar, a demarcated line by the cultivation of Patsa Bashir and the path to Chaini.	Oligar ...	Sakiran Dhar ...	Danda Dhar.
15			Ditto ...	Topi Dhar ...	Cultivation of Sarchi and Jamala.	Chotrigar ...	Ditto ...	Topi Dhar (Reunsi Dhar).
16			Ditto ...	Bhunjat ...	Path from Parwari to Bakhta's Dogri and Kandhari Reserve.	Thera Dhar and Shirdunga Dhar.	Ditto ...	Chotrigar.
17			Ditto ...	Shirdunga ...	Sidhu Dhar Barmeli Dhar ..	Shiliadin Nal ...	Ditto ...	Shirdunga Dhar.
18			Ditto ...	Bung ...	Cultivation of Shirungar and Shila.	Chilwadin Nal ...	Outer Sahraj ...	Shiliadin Nal.
19			Tung ...	Basleo ...	Cultivation of Galihar and Bathad.	Daukhre Dhar ...	Ditto ...	Chilwadin and cultivation of Galidhar.
20			Ditto ...	Deori Dhar ...	A demarcated line by the cultivation of Galingcha and Galihar.	Galingcha Nal and natural limit of the forest.	Ditto ...	Daukhre Dhar.
21			Ditto ...	Bung Dhar ...	Balhachin ...	Natural limit of the forest ...	Galingcha Nal ...	A demarcated line by the cultivation of Galingcha, Kamera, Mujhali.
22			Nohanda ...	Gurkhu ...	Cultivation of Krungcha, Dingcha, Lajeri, Tindar.	Choa-ra-Nal ...	Water-parting of Tirth and Balhachin.	Deori Dhar above Tindar.
23			Ditto ...	Basu ...	Tirthin and Rolla Reserve	Liadi-ra-Khol ...	Bischul Dhar ...	Choa-ra-Nal and cultivation of Krungcha.
24			Ditto ...	Badhar ...	Ditto ...	Natural limit of the forest ...	Ditto ...	Liadi-ra-Khol.
25			Ditto ...	Rakhundi ...	Water-parting of Sainj and Tirthin.	Ditto ...	Tirthin Rolla Reserve and Ghore Dhar.	Cultivation of Dhar, Sharnira, Sungcha and Dhalad Dhar.

Second Class Demarcated Forests, Inner Sahraj—concluded.

No.	District.	Pargana.	Name of Kothi.	Name of Forest.	Boundaries. North.	Boundaries. East.	Boundaries. South.	Boundaries. West.
26			Shangar (Srikot) ...	Khani Nal Batichi ...	Kalam-thachi Dhar and Bera Nal and Salnigigar.	Sar Dhar ...	Batichi Dhar ...	Bung Dhar.
27			Ditto ...	Guni Nal ...	Kungshigar ...	Dashmani Dhar ...	Tiringa and Jamchi Dhars ...	Hurigar.
28			Ditto ..	Kulchi ...	Chaktigar ...	Kundri Dhar ...	Kungshigar ...	Shanagar.
29			Ditto ...	Malora ...	Shumgo Dhar and Maloni Dhar.	Maloni Dhar ...	Chaktigar ...	Mandrugar.
30			Ditto ...	Kachinga ...	Shumgo Dhar ...	Mandrugar and Shanagar ...	Surgani Dhar ...	Pahu Dhar.
31			Ditto ...	Dupanga ...	Surgani Dhar ...	Surgani Dhar ...	A demarcated line by the cultivation and grass land of Huri.	Kalichali and Palni Dhar.
32	Kangra.	Kulu.	Ditto ...	Karshot ...	Theni Dhar ...	Palni Dhar ...	A demarcated line by the cultivation of Kanaun.	Karshot Dhar.
33			Plach ...	Khaiga ...	Ditto ...	Karshot Dhar ...	Cultivation of Nidhar and Sanjao and the Shekrigar.	Dudlu Dhar.
34			Gopalpur ...	Dibri ...	Tandi Dhar ...	Dudlu Dhar, Sar Dhar ...	Shilo Dhar ...	Path from Beogi to Thani by Ori.
35			Ditto ...	Aleha Dhar ...	Theni Dhar ...	Dudlu Dhar ...	Tandi Dhar ...	Chera Kalaun Protected Forest and a demarcated line by the cultivation of Bichet and Thani.
36			Bunga ...	Laol ...	Line from Baodi Dhar to Kathila Dhar and above cultivation of Kachaini Deon, Kaleon Kaluli.	Kalali Nal ...	Darshini Dhar ...	Baoli Dhar and a demarcated line round the cultivation on its east side.

87			Ditto ...	Khanori ...	Larauntgar and Chan Dhar	Bungota Dhar ...	Darshini Dhar and a demarcated line round the cultivation of Khanori on its northern side.	Kaluli Nal.
38			Ditto ...	Thach gahr ...	Cultivation of Daogi ...	Phanod Nal ..	Tiadri Dhar ...	Plach Road.
39			Banogi ...	Shikarla and Chala Nali ...	A demarcated line by the cultivation of Dagri and Maniasi and Mahli Dhar 1st Class Forest.	Theni Dhar ...	Phanod Nal and Bunga Dhar ...	Road from Plach and a demarcated line by the cultivation of Bushal, Mulga Dogri and Dronu Dogri.
40			Ditto ...	Sarikanda ...	A demarcated line from Theni Dhar to the cultivation of Uperli Nahi and Shar; thence by that cultivation.	Nahadagar ...	Water parting of Sainj and Tirth.	Theni Dhar.
41	Kangra.	Kulu.	Ditto ...	Hari Nal ...	Cultivation of Suchain and path from Uperli Nai to Suchain.	Shanagar ...	Water-parting of Tirth and Sainj,	Nahadagar.
			Shangar (Sainj Valley) ...	Jaguahu ...	Demarcated line, being boundary of Chaniara 1st Class Protected Forest.	Runidugh Nal ...	Jalwachi Dhar (water-parting Sainj and Tirth).	Theni Dhar.
4			Ditto ...	Mandar-Wachi ...	Keloi Nal ...	Rajthathi Dhar ...	Theni Dhar or Jalwachi Dhar...	Ranidugh Nal.
44			Ditto ...	Sara of Keloi ban ...	Sara Dhar ...	Sara Dhar, Rajthathi Dhar ...	Keloi Nal ...	Demarcated line, Preshi Nal and Dwara Nal.
45			Ditto ...	Tispur ...	Demarcated line towards Lapa.	Lapagar ...	Shunago Dhar, Jalwachi Dhar	Ragthathi Dhar, Sara Dhar,
46			Ditto ...	Kamba ...	Sainj and boundary of Humkani Reserve.	Natural limit of the forest ...	Water-parting of Sainj and Tirth	Lapagar.

Second Class Demarcated Forests, Outer Sahraj.

No.	District.	Pargana.	Name of Kothi.	Name of Forest.	Boundaries — North.	East.	South.	West.
1	Kangra.	Kulu.	Pandrabis ...	Brati ...	Shakar Dhar ...	Jawadigar and Mohaligar ...	A demarcated line from a point on the Jawadigar above its junction with Hiwali-age-Dhar to Timbi gai through Nag Jata.	Timbi Dhar.
2			Ditto ...	Jiya ...	Demarcated line from Nag-Jata to Timbi gai.	A demarcated line by the cultivation of Humku and Bagan.	Dadai Dhar ...	Ditto.
3			Ditto ...	Siaru Nal ...	Kashna Nal ...	Kunrard stream ...	Bagruri-age Dhar ...	The cultivation of Kindel, thence a demarcated line from Siaru Nal to the north of Muchtidhar to meet the cultivation of Katehr; thence that cultivation.
4			Ditto ...	Dobda ...	Maghain Dhar ...	Timbi Dhar ...	Demarcated line from Timbi Gai by Sach cultivation and Sach Nal.	Kajau-gar.
5			Ditto ...	Bagori ...	Maghain Dhar ...	Kajau-gar ...	Raita Dhar ...	Maghain Dhar.
6			Ditto ...	Gada Mawa ...	Kajau-gar ...	Odi Dhar ...	Cultivation of Mawa and Ropri	Nal below Taintu Kohli's cultivation.

7	Kangra.	Kulu.	Ditto ...	Tandi-ther ...	A demarcated line from Dabru Katehr to old Tarapur Fort.	A demarcated line by the cultivation of Tandi Kharga and Kumhar.	Thandi Dhar excluding the precipices on its south side.	Tandi-ther Dhar.
8			Ditto ...	Sanpatu ...	Tikar Dhar ...	Drauna Dhar ...	Brati precipice ...	Ori Dhar.
9			Dhaul ...	Gulol ...	Karai Dhar ...	Tikar Dhar ...	Ori Dhar ...	A demarcated line by the cultivation of Pankua.
10			Kot ...	Mul ...	Bijuri Dhar ..	Maghain and Karai Dhars ...	Karai or Teli Dhar ...	Cultivation of Aintu, Pakora and Mul Mandar.
11			Ditto ...	Kleo ...	Nagehr-gahr ...	Maghain Dhar ...	Bijuri Dhar ...	A demarcated line by the cultivation of Nagehr and Tharwa.
12			Ditto ...	Balacha ...	Bishlai Dhar ...	Birni Dhar ...	Biran-thana ...	A demarcated line by the cultivation of Jawagi and Tindar.
13			Ditto ...	Shakar ...	Bundwari Nal, Kurpan stream and boundary of the Shili Girchi Reserve.	Boundary of Bashahr ...	Marhaun Dhar ...	Dacher Dhar or Bishlai Dhar.
14			Bahramgarh ...	Danda ...	Natural limit of the forest; boundary of Outer and Inner Sahraj.	Bindwari Nal, boundary of Bahramgarh and Kot Kothis.	Kurpan stream ..	Demarcated line along Thachru Dhar to Sagao Nal, the Sagao Nal and Bratigar.
15			Ditto ...	Dwariodanda ...	Natural limit of the forest; boundary between Outer and Inner Sahraj.	Bratigar ...	Line from Bung Peak to junction of Sagao and Bratigar.	Bung Dhar.
16			Ditto ...	Bernagi ...	Natural limit of the forest; boundary of Outer and Inner Sahraj.	Bung Dhar and Samathan Nal.	Kir-pangad and a demarcated line by the cultivation of Kader-dogri, Judua-dogri, and Duga-lama.	Kyendi-gar and a demarcated line near to and excluding the cultivation of Bager and Dhomor and Bansha rock.
1			Ditto ...	Dadai ...	Natural limit of the forest; boundary of Outer and Inner Sahraj.	Kyendi-gar and demarcated line above Badime Badru, Basleo grass lands and cultivation of Kalaunt to Shungra Dhar.	Shungra Dhar to Tandu and Tandu Dhar to Rachokri.	Rachokri Dhar ...

Second Class Demarcated Forests, Outer Sahraj—concluded.

No.	District.	Pargana.	Name of Kothi.	Name of Forest.	Boundaries. North.	Boundaries. East.	Boundaries. South.	Boundaries. West.
18	Kangra.	Kulu.	Bahramgarh ..	Rachokri ...	Ridge between Outer and Inner Sahraj.	Rachokri Dhar ...	Demarcated line above cultivation of Ganga Ram.	Basleo Pass Road.
19			Ditto ...	Mandrao ...	Ridge between Outer and Inner Sahraj.	Basleo Pass Road and demarcated line above cultivation of Deavg Jaler and Daler.	Jaguth Nal, Bashdeo Nal to Gargicha Gai.	Mandrao Dhar.
20			Naraingarh ..	Daman ...	Nachlach Dhar ...	Cultivation of Chotta Sarsha, Bara Sarsha, by Galeri, precipice above Rupala grass land and by Kardad Nal into Nagala Nal.	Nagala Nal ...	Nono-Kanda.
21			Ditto ...	Patal ...	Demarcated line above Barhola.	Kaili Dhar and Marha-Kod Protected Forest.	Lotanda Dhar to Jagatpur ...	Nagala Nal.
22			Ditto ...	Bamaur Jadari ...	Khanora Dhar ...	Nono-Kanda and Jagatpur ...	Kathila Dhar and Jagatpur ...	Cultivation of Jalis Dogri Panani Dhar Kaneri Nal, Saroa Nal to Khanora gai.
23			Ditto ...	Khanora ...	Tehli Dhar ...	Nono-Kanda ...	Khanora Dhar to Guski Dhar...	Cultivation of Shagan and Duga.
24			Ditto ...	Malreo or Bung ...	Narain Dhar ...	Nono-Kanda ...	Phalan Gad ...	A demarcated line by the cultivation of Dan and Jan.
25			Ditto ...	Kota Nal ...	Kota Nal and cultivation of Mohlu Kohli.	Rampur Dhar ...	Shohan Dhar ...	Precipice.
26			Ditto ...	Khaneo ...	Thanach-gar, boundary of Narain-gar and Raghopur Kothis.	Kamlahi Dhar ...	Nai Nal ...	Demarcated line by Muhra and Bagoli thaches and cultivation of Sila-Arn.

27			Jalori ...	Goban	Chalal Nal	Dima-gar and cultivation of Jaun-Aran.	Guge Dhar to Gadum Nag ...	Kwanda Dhar and Gager Dhar.
28			Ditto ...	Jalori	Ridge between Outer and Inner Sahraj.	Kwanda Dhar ...	Nagui Dhar and Gadun Dhar ...	Demarcated line by cultivation of Jogi, Banshira Rai, Bata dhartu, Kuda-Aol, Paktu above Batala dogri, cultivation of Bagthori Kanala, Dagsar, Dewal-bada to Nagu Rakas.
29			Ditto ...	Lautu ...	Ditto ditto ...	Bargohl-gar ...	Line from Nagu rakas above Jarono Kalaun, and cultivation of Jarono Jan and Lahal.	Khanergar boundary of Jalori Kothi.
30			Raghopur ...	Sakiran ...	Ditto ditto ...	Khaner-gar ...	Cultivation of Khaner and Reunsi Nal.	Kalaudi Dhar.
31	Kangra.	Kulu.	Ditto ...	Duga-shil ...	Jau Nal ...	Dan Chokar Dhar ...	Darun Dhar ...	A demarcated line by the cultivation of Barun and Kanshel, Harlu Nal, and a demarcated line by the cultivation of Duga.
32			Ditto ...	Sharag and Pleishli ...	Ridge between Outer and Inner Sahraj.	Sakiran Dhar and Jawa, Bagh Dhar.	Kua Nal, path from Karshala to Phanaunt and demarcated line to include all forest.	Sharagi Bar.
33			Ditto ...	Mandribil and Drodi ...	Ditto ditto ...	Duni-gad and a demarcated line by the cultivation and grass lands of Dun and Chalal.	Chalal Nal ...	Kwanda Dhar.
34			Ditto ...	Chul ...	Ditto ditto ...	Kamblai Dhar ...	Thanach-gar boundary of the Kothi.	A demarcated line by the cultivation of Thanach and Dima-gad.

Second Class Demarcated Forests, Waziri Rupi.

No	District.	Pargana.	Name of Kothi.	Name of Forest.	Boundaries. North.	Boundaries. East.	Boundaries. South.	Boundaries. West.
1			Kanawar ...	Surjani ...	Malana Dhar ...	Goril and Gai Dhars ...	Demarcated line above cultivation of Gargi, Ghar Webram and Rasal, Chanag or Rasol Nal and boundary of Reoni 1st class protected forest.	Reoni Nal.
2			Ditto ...	Nalchi ...	Ditto ...	Kangre-ki-Dhar ...	Dalingcha Dhar to Baramganga Nal; this Nal to a point above Briona village; thence below the precipice to Meshi-lota-dhar.	Goril and Gai Dhars.
3			Ditto ...	Tos-Nal ...	Malana Dhar and Spiti ...	Daring Dhar ...	Cultivation of Nakthan; the Tos Nal; cultivation of Tos and Barsaini.	Misuora Dhar and Kangre-ki-Dhar.
4	Kangra.	Kulu.	Ditto ...	Rati-Runi ...	Spiti and Daring Dhar ...	Spiti ...	Pata-ri-ila Dhar, the Parbati and cultivation of Nakthan.	Daring Dhar.
5			Ditto ...	Kirganga ...	Parbati and Pata-ri-ila Dhar	Do. ...	Water-parting of Parbati and Saing.	Piatskari Nal and Bun-buni Dhar.
6			Ditto ...	Bandag ...	Demarcated line including Kutangcho; Parung and Swajani thaches.	Piatskari Nal and Bun-buni Dhar.	Ditto ditto ...	Chakshi Nal.
7			Ditto ...	Tilalotan ...	Demarcated line including Khoru thach and Jermi thach to Dunju.	Chakshi Nal ...	Water-parting of the Parbati and Hurla and Sara Kanda Dhar.	Dri-di-Dhar.
8			Ditto ...	Shilagahr ...	Cultivation of Shila ...	Dri-di-Dhar and Agina Dhar ...	Sara Kanda Dhar ...	Pata-ri-Dhar.

9			Ditto ...	Reona ...	Bira-Agli Dhar and Sara Kanda Dhar.	Sarkanda Dhar ...	Water-parting of the Parbati and Hurla.	Kasol Reserve, Rupu dena Nal; cultivation of Grahn, Garth Nal, Grahn Nal and cultivation of Tonja.
10			Harkandi ...	Seoraj-pat ...	Soma Chalaun Reserve and Kufri-age Dhar	Jail Nal ...	Water-parting of Jail and Shat Nals; Kaili Dhar.	Kufri-age-Dhar and Kandi-Dhar.
11			Ditto ...	Garha-het ...	Demarcated line ...	Bindrabani Dhar ...	Path from Sangchan to Siraniber	Cultivation of Pathadi and Titarbai.
12			Ditto ...	Chinjera ...	Parbati ...	Cultivation of Dhar Maur ...	Demarcated line ...	Cultivation of Chinjera.
13			Ditto ...	Muri ...	Kaili Dhar ...	Water-parting of Parbati and Hurla streams.	Shat Nal ...	Muri pat Dhar.
14			Chung ...	Chatni ...	Shat Nal ...	Gajreli Dhar ...	Gajreli Dhar and Manli Dhar ...	Demarcated line including Mohru thach.
15			Ditto ...	Kalga ...	Mahin Dhar ...	Gajreli Dhar ...	Karli Nal ...	Handu Nal.
16	Kangra.	Kulu.	Kotkandi ...	Osan Banala ...	Demarcated line ...	Osan Nal ...	Cultivation of Osan ...	Demarcated line.
17			Ditto ...	Shamidugh ...	Dupan Dhar or Gajreli Dhar	Shearan Dhar ...	Sumag Nal and Sispat ...	Tilawa Dhar and Kanikanda.
18			Ditto ...	Shearan ...	Gundru Dhar or Gajreli Dhar	Kyona Dhar ...	Demarcated line ...	Shearan Dhar.
19			Ditto ...	Jaularang ...	Gajreli Dhar ...	Thana-rang Dhar ...	The north boundary of Gotil Protected Forest; a demarcated line near the cultivation of Ursu and Rungua Nal.	Kyona Dhar.
20			Ditto ...	Thana-rang and Gaglari Dhars.	Ditto ...	Gaglari Dhar ...	Keloban Reserve and demarcated line.	Th na-rang-Dhar.
21			Ditto ...	Har-girain ...	Ditto ...	Water-parting of Parbati and Hurla streams.	Dra-Shar Dhar.	Pulia Nal, boundary of Shilogahr 1st Class Protected Forest; Hamka Dhar Reserve; and the Gaglari Dhar.
22			Bahlan ...	Churu-Kanda ...	Tandi Dhar ...	Re-gar ...	Demarcated line by cultivation of Dunala and Bahlan.	Kajuri Dhar to Tundala-age.
23			Ditto ...	Jadohan ...	Ria-ra-Nal and Tandi Dhar	Deori-Dugh Dhas ...	Gwalu-thana Dhar ...	Path from Jouli to Gohi and Riara Nal.

Second Class Demarcated Forests, Waziri Rupi—concluded.

No.	District.	Pargana.	Name of Kothi.	Name of Forest.	Boundaries. North.	Boundaries. East.	Boundaries. South.	Boundaries. West.
24	Kangra.	Kulu.	Bahlan ...	Tewa ...	Laru Dhar ...	Sain Kanda ...	Tipalda Nal; Birshaunu Gar; Ginkar Nal demarcated line by cultivation of Pali Nag to Mocha Murda Thach and Deori-dugh-Dhar.	Deori-dugh-Dhar.
25			Ditto ...	Mandraun ...	Ditto ...	Gatti-pat ...	Jewa Nal, Ahugar and cultivation of Krangcha.	Sain Kanda Dhar.
26			Ditto ...	Dra-Shar ...	Water-parting of Jewa and Hurla streams.	Lauri-batli or Maili Nal ...	Jewa Nal and boundary of Galti-pat Reserve.	Galti-pat.
27			Ditto ...	Kanda Dhar ...	Water-parting of the Parbati and Jewa Nal.	Water-parting of the Parbati and Jewa Nal.	Jewa Nal ...	Lauri-batli or Maili Nal.
28			Sainsar ...	Paniharu ...	Jewa Nal ...	Water-parting of Sainj and Jewa Nal.	Bali Dhar above Baloe ...	Kandi-Nal.
29			Ditto ...	Sawan Kanda ...	Deun Dhar ...	Garthol Nal and Sawan Kanda Dhar.	Demarcated line above Bagi, Kashiari, &c.	Sawan Kanda Dhar.
30			Ditto ...	Gandiol ...	Garthol Nal ...	Gandiol Dhar ...	Kasha-Karna Dhar ...	Garthol Nal.
31			Ditto ...	Nanti-ka-ala ...	Gandiol Dhar ...	Ditto ...	Ranaga Dhar ...	Cultivation of Mail.
32			Ditto ...	Kaili-Kanda Tilaru Shengan and Sainjat.	Baloi Dhar ...	Gulwari Nal ...	Cultivation of Sakti, Maror, Sainj stream and Nila-totha Reserve.	Aoti Dhar.
33			Ditto ...	Parali ...	Kanawar Kothi ...	Spiti ...	Sainj and cultivation of Maraor.	Gulwari Nal.

The 1st June 1896.

No. 282.—*Notification.*—His Honor the Lieutenant-Governor of the Punjab is pleased, in accordance with Section 28 of Act VII of 1878 (Indian Forest Act), to declare the provisions of Chapter IV of that Act applicable to all forest and waste land in the Kulu Sub-Division of the Kangra District (exclusive of Waziri Rupi) which is recorded in the Revenue Settlement papers as the property of Government except such areas as have been declared Reserved Forests by Notification No. 298, dated 12th May 1894, and Protected Forests by Notifications Nos. 280 and 281, dated 1st June 1896, and also to all forest and waste land in the Waziri Rupi Jagir on which the trees have been recorded in the Revenue Settlement papers to belong to Government except such areas as have been declared Reserved Forests by Notification No. 298, dated 12th May 1894, and Protected Forests by Notifications Nos. 280 and 281, dated the 1st June 1896.

The 1st June 1896.

No. 283.—*Notification.*—(*a*) His Honor the Lieutenant-Governor of the Punjab is pleased, in accordance with Section 29 (*b*) of Act VII of 1878 (The Indian Forest Act), to declare the areas contained in the following table to be closed against the rights of private persons for a period of 20 years, from the date of this Notification, or for such shorter period as may be found sufficient; provided that such of these areas as have been closed before the date of this Notification shall not be kept closed for more than 20 years from the date on which they were so closed :—

Name of Kothi.	Name of Forest.	Area closed in acres.	Remarks.
Monali	Bajraundi	129	
	Shalingarh	30	
Jagat Sukh	Dudlu	58	
	Rahni	20	
	Brunudhar	42	
	Padri Chalaun	34	
Barsai	Seta Dhag	15	
	Somban	8	
Nagar	Batahir Bihal	3	
	Deoban	10	
	Jangar Kalaun	12	
	Sesni	3	
	Ledi Chalaun	2	
	Phetaban	1	
Hurung	Fojal Kalaun	80	This forest will not be closed against all rights; paths will remain open : ban and mohru will be lopped for fodder ; dry leaves for manure will be collected from Baisakh 22nd to 30th, and from Mangsir 22nd to 30th ; and dry wood for fuel may be taken.
Raisan	Shilagahr	4	
	Sejuni (undemarcated) ...	6	
Sari	Devi-di-jhir	30	
	Gojar Sil	12	
Dugilag	Soja Bakarkyara	20	
Maharaja	Chota Shungra	50	
	Lot	1	
Khokhan	Bindraban	3	
Telokpur	Latura	67	
Kharagarh	Blajdhar	9	
	Salono	7	
Plach	Bimu Kalaun	8	
Chaini	Chiliala Ehar	45	
Pandrabis	Jiya	1	
	Tikar	25	

Name of Kothi.	Name of Forest.	Area closed in acres.	Remarks.
Himri	Ramgarh	50	
	Shila	20	
Naraingarh	Kut	7	
	Bijuri	200	
Jalori	Phon	20	
Janja	Bagiglai Paneo	5	
Raghopur	Suslandslip	15	
Kot	Dimkri	233	
	Khoruthach	4£0	
Bahlan	Ilagar	15	
	Sawani	12	
Gopalpur	Jaun	15	
Banogi	Dalogi	25	
	Khanidhar	25	
Sarchi	Balwagi	70	
	Drad	50	
	Lohr	200	
	Kailiban	50	
Kanawar	Reoni	35	
	Khobis	500	
Bunga	Geru	170	This will be closed only for five years.
Plach	Bohara	·5	
	Kanail Bagh	·5	

(b) The Lieutenant-Governor is further pleased, in accordance with Section 29 (c) of the said Act, to prohibit the collection or removal of any forest produce from any of these areas during the time that they are so closed except with the special permission in writing of the Forest Officer.

The 1st June 1896.

No. 284.—*Notification.*—His Honor the Lieutenant-Governor of the Punjab is pleased, in accordance with Section 29 (c) of Act VII of 1878, the Indian Forest Act to prohibit, from the date of this Notification, the burning of lime or charcoal within the areas declared protected forest by Notification No. 280, dated 1st June 1896, without the special permission in writing of the Forest Officer ; and also to prohibit from the same date the breaking up or the clearing for cultivation or for any other purpose of any lands within the areas aforementioned.

The 1*st June* 1896.

No. 285.—*Notification.*—His Honor the Lieutenant-Governor of the Punjab is pleased, in accordance with Section 29 (c) of Act VII of 1878, (The Indian Forest Act) to prohibit, from the date of this Notification, the breaking up or the clearing for cultivation or for any other purpose of any land within the areas declared protected forest by Notification No. 281, dated 1st June 1896, except with the special permission in writing of the Assistant Commissioner.

The 1*st June* 1896.

No. 286.—*Notification.*—His Honor the Lieutenant-Governor of the Punjab is pleased to make the following rules under Section 51 of Act VII of 1878 (The Indian Forest Act):—

RULES.

(1) No one shall remove without permission any timber of the classes referred to in Section 45 of the Indian Forest Act and in Notification No. 222 F., dated 9th May 1879, lying within the highest water-level of the following rivers within the limits named:—

1. Beas, below a pillar near the Kolang Bridge.
2. Solang-gáhar, below a pillar near the Solang hamlet.
3. Alaini Nal, below a pillar near the Monali Naggar Road.
4. Fojlati, below a pillar near the Kukri hamlet.
5. Sarvari, below a pillar near the Gramang hamlet.
6. Parbati River, below a pillar near the Phulga hamlet.
7. Grahan Nal, below a pillar near its junction with the Grath Nal.
8. Shat Nal below a pillar near its junction with the Dohra Nal.
9. Hurla Nal, below a pillar near its junction with the Manihar Nal.
10. Jiwa Nal, below a pillar under the Ghatipat Dhar.
11. Sainji River, below a pillar at the most eastern boundary of the Humkani Reserve.
12. Tirthan River, below a pillar at the most eastern boundary of the Rolla Reserve.
13. Balbachin Nal, below a pillar at the most western boundary of the Bungdhar 2nd Class Protected Forest.
14. Kulwari Nal, below a pillar near the Kulwarí hamlet.
15. Juphra-gad, below a pillar near the most northern boundary of the Kajlahr 2nd Class Protected Forest.
16. Bahu-gad, below a pillar near the Ghaner-Kalaun Reserved Forest.
17. Bisua-gad, below a pillar near the Shahad hamlet.
18. Kurpan-gad, below a pillar at the most northern boundary of the Shili-girchi Reserve.
19. Mahali-gad, below a pillar at the most southern boundary of the Brati 2nd Class Protected Forest.
20. Sutlej River, the whole right bank on the border of the Kulu sub-division.

(2) This rule shall not apply to pieces of timber that are of such size that they can be carried by one man, provided that no person shall have cut them up in order to reduce them to that size with a view to bringing them within this sub-section.

(3) Whoever commits a breach of this rule shall be punished with imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees or both.

Mr. Anderson's first draft.

Pieces of waste timber except dedar, lying on the banks of the Beas river or of side streams of Kulu, of such size that they can be carried by one man may be removed without permission provided that—

(1) they bear no marks; and

(2) are not cut up on the banks of the river or side stream.

Mr. Anderson's second draft.

His Honour the Lieutenant-Governor of the Punjab is pleased to exempt from the provisions of Section 45 of the Indian Forest Act, 1878, all timber found adrift, beached, stranded or sunk within the limits of any reserved or protected forest in the Kulu Sub-division.

His Honour the Lieutenant-Governor of the Punjab is pleased to exclude from the operation of Notification No. 222 F., dated 9th May 1879, all unmarked timber within the limits of any reserved or protected forest in the Kulu Sub-division.

His Honour the Lieutenant-Governor of the Punjab is pleased to declare under the last clause of Section 45 of the Indian Forest Act, 1878, that pieces of drift and unmarked timber may be removed, provided that—

(a) they are of such size that they can be carried by one man; and

(b) they have not been cut up in order to reduce them to this size.

The 1st June 1896.

No. 287.—*Notification.*—The Hon'ble the Lieutenant-Governor of the Punjab is pleased to make the following rules under the provisions of Section 75 (*c*) of Act VII of 1878, (the Indian Forest Act), for the preservation of trees, in the Kulu Sub-division of the Kangra District, declared in the Revenue Settlement Records to belong to the Government, but growing on lands belonging to private persons:—

RULES.

1. Trees on lands recorded as under cultivation at the last re-assessment of the land revenue are, with the exception of deodar, at the absolute disposal of the proprietors of such lands.

2. Deodar trees on lands described in Rule 1 may be lopped without permission to the height necessary to allow the crops to ripen; and fallen deodar trees on such lands may be removed without permission.

3. Deodar trees on lands described in Rule 1 may not be cut without the permission of the Negi of the kothi, who shall give such permission to the owner of the land without payment if he is satisfied that the trees are required for the applicant's own *bona fide* use, or that it is necessary to cut them to allow the owner to cultivate.

4. Trees on land other than Government forest not recorded as under cultivation at the last re-assessment of the land revenue are, with the exception of the trees mentioned in Rule 5, at the absolute disposal of the owners of such lands.

5. Trees of the following kinds, *viz.*—

1. Deodar,	8. Chil,	15. Horse chestnut,
2. Box,	9. Spruce,	16. Celtis,
3. Walnut,	10. Silver fir,	17. Mulberry,
4. Ash,	11. Yew,	18. Hil tun,
5. Elm,	12. Cypress,	19. Kakran,
6. Alder,	13. Shisham,	20. Poplar,
7. Blue pine,	14. Olive,	

on lands described in Rule 4 may not be cut without the permission of the Negi of the kothi, who shall give such permission to the owner of the land without payment if he is satisfied that the trees are required for the applicant's own *bona fide* use or that it is necessary to cut them to allow the owner to cultivate.

6. The trees mentioned in the foregoing rules shall not be cut, lopped or removed by or on behalf of the Government or any person except as provided by those rules.

7. Deodar trees cut under Rules 3 and 5 may not be sold, bartered or alienated.

8. Whenever a Negi gives permission to cut trees under Rules 3 and 5, he shall cause a record of such permission and the purpose for which it was given to be made by the Patwari of the kothi.

9. (1) Nothing in Rules 5 and 6 shall apply to trees of the twenty kinds above mentioned standing on land which has been brought under cultivation with the permission of the Assistant Commissioner of Kulu given after the last re-assessment of the land revenue.

(2) Such trees shall continue the property of Government unless the contrary is recorded in the permission given to break up the land, and may not be cut, barked, or removed without the permission of the Assistant Commissioner or Forest Officer.

10. Trees which under Rules 5 and 9 may not be cut without permission may be lopped without permission to the height necessary to allow the crops to ripen, and fallen trees may be removed without permission.

Mr. Anderson's draft.

(1) Deodar trees on revenue-paying land may be lopped without permission to the height necessary to allow the crops to ripen.

(2) Fallen deodar trees on revenue-paying land may be removed without permission.

(3) Deodar trees standing on revenue-paying land may not be cut without the permission of the Assistant Commissioner who shall give such permission to the owner of the land without payment if he is satisfied that the trees are required for the applicant's own *bona fide* use.

5. Trees of the following kinds, *viz*:—

1. Deodar,	8. Chil,	15. Horse chestnut,
2. Box,	9. Spruce,	16. Celtis,
3. Walnut,	10. Silver fir,	17. Mulberry,
4. Ash,	11. Yew,	18. Hill tun,
5. Elm,	12. Cypress,	19. Kakran,
6. Alder,	13. Shisham,	20. Poplar,
7. Blue pine,	14. Olive,	

standing on unterraced *kut* belonging to private persons may not be cut without the permission of the Assistant Commissioner who shall give such permission to the owner of the land without payment if he is satisfied that the trees are required for the applicant's *bona fide* use.

No. 408.—*Notification.*—His Honor the Lieutenant-Governor of the Punjab is pleased, in accordance with Section 29 (*a*) of Act VII of 1878 (Indian Forest Act) to declare the following trees within the areas declared protected forest by Notifications Nos. 280 and 281, dated 1st June 1896, to be reserved trees from the date of this Notification:—

The 26th August 1896.

No.	English Names.	Vernacular Names.	Scientific Names.
1	Deodar	Kelo, keli, diar	Cedrus deodara.
2	Box	Shamshad, jakri chikri ...	Buxus sempervirens.
3	Walnut	Khor, akhrot	Juglans regia.
4	Ash	Argu	Fraxinus floribunda.
5	Elm	Marn, imbri, maral, shuko ...	Ulmus Wallichiana.
6	Alder	Kosh	Alnus nitida.
7	Blue pine	Kail	Pinus excelsa.
8	Chil	Chil	Pinus longifolia.
9	Spruce	Rai	Abies Smithiana.
10	Silver fir	Tos, poi, badrai	Abies Webbiana.
11	Yew	Rakhal, rakhai	Taxus baccata.
12	Cypress	Devidear	Cupressus toruloa.
13	Shisham	Tali, shisham	Dalbergia sissu.
14	Olive	Kahu	Olea cuspidata.
15	Horse-chestnut	Khanor	Æsculus Indica.
16	Celtis	Khark, khirk	Celtis Australis.
17	Mulberry	Chun, chimo, krun	Morus serrata.
18	Hill tun	Darl	Cedrela serrata.
19	Kakaran	Kakaran	Pistacia integerrima.
20	Poplar	Phals	Populus ciliata.

The 26th November 1896.

No. 505—*Notification.*—In continuation of Punjab Government Notification No. 408, dated 26th August 1896, His Honor the Lieutenant-Governor is pleased, in accordance with Section 29 (*a*) of Act VII of 1878, (Indian Forest Act) to declare the trees specified in that notification within the areas declared to be protected forests by Notification No. 282, dated 1st June 1896, to be reserved trees from the date of this notification.

The 7th November 1896.

No. 507.—*Notification.*—The following Rules apply to the areas declared Protected Forests under Chapter IV of Act VII of 1878, (Indian Forest Act) by Notification No. 280, dated 1st June 1896, by Notification No. 281, dated 1st June 1896, and by Notification No. 282, dated 1st June 1896:

and are issued under Section 31 of that Act with the sanction of the Governor-General in Council.

3. Except where the contrary is stated, the rules apply to the protected forests of all classes.

3. In these rules, unless there is something repugnant in the subject or context—

"Record of rights" means the record prepared in accordance with Section 28 of the Indian Forest Act.

"Right-holder" means a person to whom a right has been admitted, in the record of rights of any forest.

"Tree" and "timber" have the same meaning as in the Indian Forest Act.

"Cattle" includes horses, mares, geldings, ponies, colts, fillies, mules, asses, rams, ewes, sheep, lambs, goats and kids, but does not include elephants, camels, buffaloes and pigs.

"Land assessed to revenue" includes land recorded in the Land Revenue Records as belonging to private persons, and liable to assessment, though no revenue was charged upon it in the internal distribution (bachh) of the last assessment, and also land brought under cultivation since last assessment of the revenue with the permission of the Assistant Commissioner.

4. The Local Government may at any time in exercise of the powers conferred, and in the manner prescribed, by Chapter II of the Indian Forest Act (VII of 1878), apply to those areas or to any of them the provisions of the said chapter, and so remove them from the operation of these rules.

5. (1) The grazing of buffaloes is prohibited except with the permission of the Forest Officer.

(2) The Forest Officer may give permission to the proprietors of cultivated land in the Kulu Sub-division assessed to revenue and to their agricultural tenants to graze buffaloes kept for their agricultural or domestic purposes in undemarcated forests where there is no risk of damage to tree growth,

provided that permission shall not be given if the right-holders in the forest show reasonable and sufficient cause to the contrary.

6. The grazing of cattle in 1st and 2nd class demarcated forests is prohibited except by right-holders in the exercise of rights admitted in the record of rights,

provided that nothing in this rule shall prevent right-holders from grazing any number of cows, bullocks and calves belonging to themselves, and a number of sheep and goats belonging to themselves, not more than 30 per cent. in excess of the number they possessed at the last assessment of the revenue.

7 (1) Except as provided in Rule 23, no person other than proprietors of cultivated land in the Kulu Sub-division assessed to revenue and their agricultural tenants shall graze cattle in the undemarcated forests.

(2) No such proprietor or tenant shall graze in any undemarcated forest any cattle except cattle kept by him for his own domestic or agricultural (not including pastoral) purposes,

provided that nothing in this rule shall prevent any such proprietor or tenant from grazing any number of cows, bullocks and calves belonging to himself, and a number of sheep and goats belonging to himself, not more than 30 per cent. in excess of the number he possessed at the last assessment of the revenue.

8. (1) Nothing in the last two preceding rules shall prevent Gaddi shepherds on their way through Kulu from grazing their flocks in those 2nd class demarcated and undemarcated forests through which they have a right of way from 15th Jait to the end of Har and from 15th Bhadron to 20th Assauj, or for such longer periods as the Assistant Commissioner may fix.

(2) Without the permission of the Assistant Commissioner in writing, Gaddi shepherds may not halt their flocks in protected forests for more than one night at any single halting place: and halting places shall be at least five miles apart.

9. The removal of fallen leaves from 1st and 2nd class demarcated forests is prohibited except by right-holders in the exercise of a right admitted in the record of rights.

10. The lopping, cutting, barking, ringing and removal of timber and trees in 1st and 2nd class demarcated forests are forbidden except by right-holders in the exercise of a recorded right and subject to the provisions of Rules 12-13.

11. (1) Except as provided in Rule 23, no person other than proprietors of cultivated land in the Kulu Sub-division assessed to revenue and their agricultural tenants shall lop, cut, bark, ring, or remove timber or trees in any undemarcated forest.

(2) No such proprietor or tenant shall lop, cut, bark, ring or remove any timber or trees reserved by Notifications No. 408, dated 26th August 1896, and No. 505, dated 6th November 1896, in an undemarcated forest situated in a Kothi other than that in which his land is situated except in the exercise of a right admitted to him in the detailed record for each Kothi.

(3) No such proprietor or tenant shall lop, cut, bark, ring or remove any timber or trees in an undemarcated forest except for his own domestic or agricultural (not including pastoral) purposes: nor shall he do so for any such purpose unless it falls under one of the headings in paragraph 11 of the Record of Rights and General Conditions for the undemarcated forests of the Kulu Sub-division.

12. (1) Except as provided in Rule 13, timber and trees of the kinds reserved by Notification No. 408, dated 26th August 1896, and by Notification No. 505, dated 6th November 1896, *viz.*—

Superior Reserved Trees.	*Inferior Reserved Trees.*
1. Deodar,	11. Olive,
2. Box,	12. Elm,
3. Walnut,	13. Yew,
4. Ash,	14. Cypress,
5 Alder,	15. Horse chestnut,
6. Blue pine,	16. Celtis,
7. Chil,	17. Mulberry,
8. Spruce,	18. Hill tun,
9. Silver fir,	19. Kakaran,
10. Shisham,	20 Poplar,

may not be cut, lopped, barked or removed without the permit of the Assistant Commissioner or the Forest Officer.

(2) In cases where revenue has been assessed on the right to timber under the land revenue assessment, no permit shall be granted until such revenue has been paid.

(3) Permits shall be held to have lapsed if the trees are not cut, lopped barked or removed within the periods fixed in the permits.

13. No permit is necessary for doing any of the acts next hereinafter mentioned, but nothing in this rule shall confer upon any person any right not recorded in the record of rights as enjoyed by him.

The acts referred to are as follows :—

(1) The cutting and removal of stumps of any kind, and of fallen timber except deodar, walnut, box and ash.

(2) The cutting and removal of—

(*a*) any dry standing tree (not being deodar, walnut, box and ash). in 2nd class demarcated and in undemarcated forests;

(*b*) any dry standing tree (not being deodar, walnut, box and ash) in 1st class demarcated forests which has been specially marked by the Forest Officer, provided that, unless and until a sufficient number of trees are so marked, such trees may be cut and removed under the permit of the Negi of the Kothi in which the forest is situated. The Assistant Commissioner shall determine when a sufficient number of trees has been marked, and the authority of the Negi to give permits shall then cease.

Nothing in clauses (1) and (2) shall be deemed to allow the cutting and removal without a permit of any timber or dry standing trees from any forest which has been burned.

(3) The cutting and removal of any inferior reserved tree which has been specially marked by the Forest Officer.

(4) The lopping for fodder, manure, charcoal or other purpose of any inferior reserved tree.

(5) The lopping for charcoal of kail (where the right has been admitted in the Record of Rights), or of rai, tos or chil, up to one-third of its height in Kulu Proper and Waziri Rupi, to one-half in Inner Saraj, and to two-thirds in Outer Saraj.

This clause applies only to trees of more than two haths in girth at three haths from the ground in Kulu Proper and Waziri Rupi, and of more than one hath in girth at three haths from the ground in Inner and Outer Saraj.

(6) (*a*) The lopping for manure in 1st class demarcated forests (where the right has been recorded) of any superior reserved tree except deodar, walnut, box and ash, within such period or periods, not being in the aggregate more than four months or less then two months in each year, and at such times as the Deputy Commissioner shall fix, upon the report of the Assistant Commissioner and the Forest Officer.

(*b*) The lopping for manure in 2nd class demarcated and in undemarcated forests of any superior reserved tree except deodar, walnut, box and ash.

This clause is subject to the same conditions as to the girth of the tree and the height to which it may be lopped as are imposed in clause (5).

(7) The cutting and removal of one branch of a yew suitable for the Bastar Deo (household god), on the construction of a new dwelling house.

(8) The cutting and removal for biers of two rai poles of not more than a háth in girth at breast height, or, when rai trees are not readily accessible, of two poles of the same dimensions of any kind of tree except deodar, walnut, box and ash;

but kail trees may be cut and removed from 1st class demarcated forests only when a right has been admitted in the Record of Rights, and

alder may be cut and removed from any forest only when a right thereto has been recorded, or when alder trees have been specially marked for the purpose by the Forest Officer.

Notice of all such cuttings must be given to the rakha or other Forest official within ten days.

(9) The cutting and removal for cremation purposes of two kails not exceeding two haths in girth at breast height, or where kail are not easily procurable of two trees of the same dimensions of any kind except alder (unless specially marked for the purpose by the Forest Officer), deodar, walnut, box and ash.

Notice of all such cuttings must be given to the rakha or other Forest official within ten days.

(10) The cutting and removal for making agricultural implements and domestic utensils of any tree of not more than one hath in girth at breast height of any kind except deodár, walnut, box, ash and kail.

Kail trees also may be cut and removed where a right thereto has been admitted in the record, but such trees cut for the sanj

of the plough may not be more than one hath and for the shamai not more than two haths in girth at breast height.

Notice of all such cuttings must be given to the rakha or other Forest official within ten days.

14. Trees granted by the Assistant Commissioner or Forest Officer may not be cut or removed until marked by a Forest official,

provided that unless and until a sufficient number of trees have been marked in a forest by the Forest Officer, the Negi of the Kothi in which the forest named in the permit is situated may on presentation of the permit mark the trees of the kind and size and to the number entered in it.

The Assistant Commissioner shall determine when a sufficient number of trees have been marked, and the authority of the Negi to mark trees shall then cease.

15. Trees shall be marked in a forest in which the applicant for a permit has a right to trees,

provided that when the Deputy Commissioner has decided on the report of the Forest Officer that in the then state of that forest the cutting of trees there would tend to its destruction, the trees granted shall in that case be marked in another forest which shall be as conveniently situated for the purposes of the applicant as the demands of forest conservancy and the requirements of right-holders will admit.

16. No tree standing within 10 yards of any public road may be cut except with the permission of the Assistant Commissioner.

17. Deodar trees will be given only for irrigation channels, for the construction and repair of temple buildings, and for the doors and windows of dwelling houses.

18. (1) Green deodar trees shall not be cut within 40 yards of any temple or of any building connected with any temple.

(2) Dry deodar trees standing within the space above defined may be cut and removed only for the repairs of the temple buildings.

19. Where trees have been given for building purposes, the building shall be constructed within the limits of the Kothi where the cultivated land on account of which the trees are given is situated.

20. The Deputy Commissioner is empowered to arrange with right-holders in any forest the quantity of timber per annum to be granted to them for building purposes, and the quantity thus fixed shall be distributed among the right-holders by the Negi, or in such other way as may have been agreed upon.

21. When the house of a right-holder has been destroyed by fire or broken down by snow or otherwise, or when, for other sufficient reason, timber is urgently required, the Assistant Commissioner or Forest Officer shall at once pass orders on the application for a permit without regard to any time that may be fixed for granting permits.

22. No forest produce acquired under these rules or by right-holders in the exercise of rights may be sold or bartered or applied to any but the purpose for which it was acquired,

provided that nothing in this rule shall prevent the sale of bamboos, fruits, flowers, medicinal roots and leaves, honey, grass, firewood, torches, charcoal, lime, slates and plastering earth.

23. Non-agricultural residents and travellers and traders passing through Kulu may, if the right-holders do not object, graze their own cattle, collect dry fallen wood (not being deodar, walnut, box or ash) and cut grass in the undemarcated forests of the Kothi in which they reside or through which they are passing, but these licenses may be exercised only for their own domestic requirements, and while *bona fide* travelling in Kulu, and in case of abuse may be withdrawn by Government.

24. No grass land may be burned without the permission of the Assistant Commissioner or Forest Officer.

25. In the undemarcated forests no land may be broken up or cleared for cultivation or for any other purpose without the permission of the Assistant Commissioner.

26. New quarries may not be opened without the permission of the Assistant Commissioner or Forest Officer.

27. The felling and removal of trees, timber and other forest produce for trade, and the granting of licenses to fell and remove trees, timber, or other forest produce for trade, and the payments to be made in respect thereof, shall be at the discretion of the Forest Officer, acting under the control of the Deputy Commissioner.

The Forest Officer shall not fell or remove trees, timber or other forest produce, nor grant licenses for their removal to an extent that will interfere with the due supply of the right-holders.

28. Nets, traps and snares may not be set in Waziri-Rupi without the permission of the Rai of Rupi, and in the rest of the Kulu Sub-division without a permit from the Assistant Commissioner.

29. If the exercise of the rights as admitted in any forest would endanger the existence of the forest, the Forest Officer, with the sanction of the Deputy Commissioner, may define by numbers or otherwise the aggregate extent to which the rights can safely be exercised over the forest, and the extent to which each right-holder is, in accordance with paragraph 10 of the Record of Rights, entitled to exercise his rights.

Mr. Anderson's original Draft Rules to be issued under Section 31, *Indian Forest Act, and General Explanation of Rights forming an Appendix to the Rules.*

1. The following rules apply to the areas declared protected forests under Chapter IV of Act VII of 1878 by Notification No. dated (1st class protected forests), Notification No. dated (2nd class protected forests) and Notification No. dated (undemarcated protected forests), and are issued under Section 31 of that Act.

2. These forests shall be managed by the Assistant Commissioner of Kulu and the Forest Officer of the Sub-Division in such conjunction as the Local Government may by executive order direct.

3. The Local Government may at any time apply to these areas the provisions of Chapter II of the Forest Act, and may thereby remove them from the operation of these rules.

4. Only such rights may be exercised as have been recorded under Section 28 of the Forest Act, and these rights may be exercised only in accordance with the conditions and at the times recorded (*vide* General Explanation of Rights).

5. Trees of the kinds reserved by Notification No. dated *viz.*—

1 Deodar,	8 Chil,	15 Horse Chestnut,
2 Box,	9 Spruce,	16 Celtis,
3 Walnut,	10 Silver Fir,	17 Mulberry,
4 Ash,	11 Yew,	18 Hill Tun,
5 Elm,	12 Cypress,	19 Kakaran,
6 Alder,	13 Shisham,	20 Poplar,
7 Blue Pine,	14 Olive.	

may be cut only with the permission of the Assistant Commissioner / Forest Officer, but the Assistant Commissioner / Forest Officer may delegate his authority to the Negis of Kothis in regard to such forests and such trees, and subject to such conditions as he may think fit.

Negis so invested with authority to grant licenses to cut trees shall for the purpose of the Indian Forest Act be considered Forest Officers.

6. Trees granted by the Assistant Commissioner / Forest Officer or by the Negis of Kothis may not be cut until marked by a Forest Official.

7. New quarries may not be opened without the permission of the Assistant Commissioner / Forest Officer.

8. In the undemarcated protected forests no grass land may be burned without the permission of the Assistant Commissioner / Forest Officer.

9. In the undemarcated protected forests of Kulu Proper, Inner Sahráj and Outer Sahraj, no land may be broken up or cleared for cultivation or for any other purpose without the permission of the Assistant Commissioner and, in Waziri Rupi, without the permission of the Rái of Rupi.

10. In Kulu Proper, Inner Sahraj and Outer Sahraj, no nets or snares may be set without the permission of the Assistant Commissioner, and in Waziri Rupi without the permission of the Rái of Rupi.

The following General Explanation of the Rights that exist in the Protected Forests of the Kulu Sub-Division of the Kangra District, and have been recorded under Section 28 *of the Indian Forest Act, is published for the information of all concerned.*

1. All the produce of these forests belongs to Government subject to the recorded rights of user.

2. Right-holders, as defined in paragraph 3, may exercise such of the following rights of user as have been admitted to them in the Forest Settlement Record, subject to the conditions laid down

Rights of user.

in paragraphs 4 and 5 and to the rules which the Local Government may from time to time issue for the regulation of these rights:—

(1) to graze cattle (except buffaloes), sheep and goats at the times given in the record when any limit in time has been imposed;

(2) to take trees—

for agricultural implements and domestic utensils;

for the construction and repair of dwelling-houses, cattle and grass sheds, and other agricultural buildings;

for the construction and repair of temples and of dwellings attached to temples;

for the ark of the deotás and other such purposes;

for the bier and the cremation of the dead;

for fuel and for charcoal for smithy purposes;

for tanning and such like purposes;

(3) and to take the following articles of forest produce:—

(*a*) grass of all kinds for fodder, thatching, rope-making and other domestic and agricultural purposes;

(*b*) flowers, ferns, plants for medicinal, domestic and agricultural purposes;

(*c*) brushwood for fencing and other purposes;

(*d*) branches of trees of certain kinds for fodder, manure, hedges, and for making charcoal and ropes at the times given in the record when any limit in time has been imposed.

(*e*) fallen leaves for manure at the times given in the record when any limit in time has been imposed;

(*f*) leaves and bark of certain trees and shrubs for tanning, incense, rope-making, medicinal and other purposes;

(*g*) dry wood for fuel, torches and other purposes;

(*h*) fruits and roots for food, washing, dyeing, medicinal and other such purposes;

(*i*) splinters of stumps of trees of certain kinds for torches and the manufacture of oil;

(*j*) bamboos for basket-making and other purposes;

(*k*) stones, slates, earth, clay, limestone for building, plastering, for the manufacture of earthen vessels, mill-stones and other purposes;

(*l*) wild honey;

Right-holders.

3. In demarcated forests all the proprietors and the agricultural tenants of the land to which in the Forest Settlement Record all or any of the rights detailed in paragraph 2 are declared to be appendant may exercise such rights within the areas specified in that record provided that tenants-at-will may take trees for building purposes only through the proprietors of their land.

In undemarcated forests proprietors of land and their agricultural tenants who have hitherto continuously exercised all or any of the rights detailed in paragraph 2 over any forest or waste land may continue to exercise in such forest or waste such rights as they and their predecessors in title have exercised provided that tenants-at-will may take trees for building purposes only through the proprietors of their land.

Non-agricultural residents may graze their own cattle (not being buffaloes), sheep and goats, collect dry wood for fuel, and cut grass in the undemarcated forests of the village in which they reside; but these privileges (licenses) may be exercised only for their own actual domestic requirements, and in case of abuse may be withdrawn by Government.

4. The rights detailed in paragraph 2 are subject to the following special conditions:—

Special conditions.

(1). The following trees may not be cut without permission :—

1 Deodár,	6 Alder,	11 Yew,	16 Celtis,
2 Box,	7 Blue Pine.	12 Cypress,	17 Mulberry,
3 Walnut,	8 Chil,	13 Shisham,	18 Hill Tun,
4 Ash,	9 Spruce,	14 Olive,	19 Kakaran
5 Elm,	10 Silver Fir,	15 Horse Chestnut.	20 Poplar,

provided that—

(*a*) wherever a right to cut blue pine, chil, spruce and silver fir without previous permission for funeral purposes and for agricultural purposes has been recorded, these trees may be so cut, but notice must at once be given to the forest guard or rakha in charge of the forest;

(*b*) one branch of a yew suitable for the Bastar Deo (household god) may be cut without permission on the construction of a new dwelling house;

(*c*) the stumps of these trees may be cut without permission;

(*d*) except in 1st class protected forests, dry standing and fallen trees of these kinds may be cut and removed without permission, except deodar, box, walnut and ash.

(2). The following trees may not be lopped nor injured in any way :—

1 Deodar,	5 Alder,
2 Box,	6 Yew,
3 Walnut,	7 Cypress,
4 Ash,	8 Shisham.

(3). The following trees may be lopped for fodder :—

1 Elm,	5 Mulberry,
2 Olive,	6 Hill Tun,
3 Horse Chestnut,	7 Kakaran,
4 Celtis,	8 Poplar.

(4). The following trees, *viz.*, blue pine, chil, spruce and silver fir, may be lopped for manure and charcoal, subject to the following conditions :—

(*a*) In Kulu Proper blue pine, chil, spruce and silver fir may be lopped to one-third of their height for making charcoal, and spruce and silver fir (not blue pine and chil) may be lopped to one-third of their height for manure, provided that in all cases the trees lopped are not less than 2 haths in girth at 3 haths from the ground.

(*b*) In Waziri Rupi blue pine, chil, spruce and silver fir may be lopped to one-third of their height both for charcoal and for manure, provided the trees lopped are not less than 2 haths in girth at 3 haths from the ground.

(*c*) In Inner and Outer Sahraj blue pine, chil, spruce and silver fir may be lopped to one-half their height both for charcoal and for manure, provided the trees lopped are not less than 1 hath in girth at 3 haths from the ground.

(5). With the exception of the 20 trees mentioned above, all trees, shrubs and brushwood may be cut and lopped without permission, except where the contrary has been laid down in the record for 1st class protected forests; provided that Government may at any time remove any species of tree, shrub or brushwood from the operation of this clause and include it in clause (1) and impose such conditions on the cutting or lopping of such tree, shrub or brushwood as it may consider necessary, subject always to the provision that the right-holders are entitled to have their *bonâ fide* wants supplied from the forests.

(6). Stones, slates, earth and clay may be removed without permission from established quarries, provided damage is not done to the trees mentioned in clause (1); but new quarries may not be opened without permission.

Except as provided for in this paragraph, the rights detailed in paragraph 2 may be exercised without permission.

General conditions.

5. The rights detailed in paragraph 2 are subject to the following general conditions:—

(1). In Kulu Proper, Inner Sahraj and Outer Sahraj the soil of all the forests belongs to Government. In Waziri Rupi the soil of the demarcated forests belongs to Government, and of the undemarcated waste and forest to the Rai.

(2). The rights of user are appendant to cultivated land paying revenue, or of which the revenue has been assigned, and may be acquired and alienated only with such land.

They may be exercised only in proportion to the area cultivated and the revenue paid or assigned, and the Government, whenever it considers it necessary in the interests of the forests or of other right-holders, may define by numbers the extent of any of the rights that a right-holder may exercise.

They may be exercised only for the *bona fide* agricultural and domestic purposes of the right-holders, and only in behalf of their own cattle, sheep and goats, and not for the supply of the wants of tea or other industries nor for purely pastoral as distinguished from agricultural purposes.

(3). No forest produce acquired in the exercise of these rights of user, except bamboos, fruits, flowers, medicinal roots and leaves, may be sold or bartered, or applied to any but the purpose for which it was acquired, provided that right-holders may, during the pleasure of Government, sell firewood, torches, charcoal, grass, lime, slates and plastering earth.

(4). During the currency of the present Revenue Settlement, deodar, walnut, box and ash will be given to right-holders from the forests where the right has been admitted at a rate not exceeding the zamindari price fixed in this behalf, and other rights will be exercised without payment. At the next Revenue Settlement Government may assess all or any of these rights to revenue in such a way as it may consider proper, and may charge a price for trees and other forest produce.

(5). Trees for building purposes will not be given free or at zamindari rates if the right-holder applying for them has already got a suitable building in a reasonably convenient locality and of size sufficient for his requirements. For instance, A sells half his holding to B, who applies for trees to build a house on the land purchased. A has on his land a house conveniently situated for the cultivation of the land sold. B is not entitled to trees, as he bought only the right of A, who is not entitled to another house.

When trees have been given for building purposes, the buildings shall be constructed within the local limits of the hamlet (graon) where the cultivated land on account of which the trees are given is situated.

(6). Green trees may not be cut within 40 yards of any temple or of any building connected with any temple. Dry deodar trees standing within this area shall be applied to the repair of the temple buildings, and on application to the Forest Officer will be given for that purpose.

No trees standing within 10 yards of any public road may be cut, except with the permission of the Assistant Commissioner.

(7). Whenever a limit in time has not been imposed on the exercise of any right, it does not of necessity follow that the right is in reality exercised every day all the year round, but it implies that the periods during which the right is exercised depend on circumstances so various and changing that it is impossible to fix them.

(8). Portions of the forests as laid down in the record may be closed against the exercise of all or any of the recorded rights, regard being had to the due and convenient exercise of such rights.

(9). The rights of user are admitted subject to the following conditions:—

(*a*) That all right-holders shall render every assistance in extinguishing any fire occurring in any forest within which they have rights, whether they have been called upon to do so or not, and in cases of wilful neglect Government may order that all or any rights within specified limits be suspended for any time it considers proper.

(*b*) That right-holders in 2nd class protected forests shall maintain in proper repair the boundary pillars of the forests in which they have rights.

(*c*) That right-holders in 2nd class and undemarcated protected forests shall be responsible for the pay and uniform of the rakha in charge of the forests in which they have rights.

6. In the demarcated forests no grass land may be burned; in the undemarcated waste, grass land may be burned with the permission of the Assistant Commissioner, which will ordinarily be given only if all the parties interested in the burning become responsible that the fire shall not extend beyond the limits fixed when the permission is granted.

Burning of grass land.

7. In the demarcated forests no land may be broken up or cleared for cultivation or for any other purpose.

Permission to make new cultivation.

In the undemarcated area of Kulu Proper, Inner Sahraj and Outer Sahraj no land may be broken up or cleared for cultivation or for any other purpose without the permission of the Assistant Commissioner. Such permission will ordinarily not be given if there are trees of the 20 kinds mentioned in para. 4 standing on the land.

In the undemarcated area of Waziri Rupi no land may be broken up or cleared for cultivation or for any other purpose without the permission of the Rai of Rupi, who in granting permission is subject to the conditions specially recorded in this behalf.

8. In Kulu Proper, Inner Sahraj and Outer Sahraj nets, traps and snares may not be set without the permission of the Assistant Commissioner and subject to the conditions he may impose; but such permission will be given in cases where a right to set nets and snares for the capture of hawks and musk deer was recorded at the first Revenue Settlement, subject always to the condition that the nets and snares are of the form most suitable for the capture of hawks and musk deer, and are not intended for the capture of pheasants or other winged game.

Setting nets and snares.

In Waziri Rupi nets and snares for the capture of hawks and musk deer may not be set without the permission of the Rai of Rupi, and subject to the conditions and charges he may impose.

9. In Kulu Proper, Inner Sahraj and Outer Sahraj the practice of cultivating sarson and bhang in thaches may continue as heretofore, but this is not a right, and may be prohibited in case of abuse or for other cause.

Cultivation in thaches.

10. One-fourth share of the gross income from the local sale of trees from 2nd class and undemarcated forests will be paid to the officials of the kothis from which the trees were sold in consideration of their assistance in the management of these forests and in enforcing the proper exercise of the rights and the rules issued by Government. If such assistance is not rendered, the Local Government may withdraw the grant.

Share of forest income to village officials.

11. Gaddi shepherds may not bring their flocks into Kulu before 15th Jait nor remain in it after 20th Assauj, and have in Kulu only a right of way.

Right of way to Gaddi shepherds.

ALEX. ANDERSON,

Forest Settlement Officer.

Conference Draft Rules to be issued under Section 31, Indian Forest Act.

1. The following rules apply to the areas declared protected forests under Chapter IV of Act VII of 1878 by Notification No. dated (1st class protected forests), Notification No. dated (2nd class protected forests), and Notification No. dated (undemarcated protected forests) and are issued under Section 31 of that Act.

2. These forests shall be managed by the Assistant Commissioner of Kulu and the Forest Officer of the Sub-Division in such conjunction as the Local Government may by executive order direct.

3. The Local Government may at any time apply to these areas the provisions of Chapter II of the Forest Act, and may thereby remove them from the operation of these rules.

4. Only such rights may be exercised as have been recorded under Section 28 of the Forest Act, and these rights may be exercised only in accordance with the conditions and at the times recorded (*vide* General Explanation of Rights).

5. Trees of the kinds reserved by Notification No. dated *viz.* :—

1st class reserved trees.	*2nd class reserved trees.*
1. Deodar	12. Elm
2. Box	13. Yew
3. Walnut	14. Cypress
4. Ash	15. Horse Chestnut
5. Alder	16. Celtis
6. Blue Pine	17. Mulberry
7. Chil	18. Hill Tun
8. Spruce	19. Kakaran
9. Silver Fir	20. Poplar
10. Shisham	
11. Olive	

may not be cut, lopped, barked or removed without the permission of the Assistant Commissioner or Forest Officer. Such permission shall be held to have lapsed if the trees granted are not removed within the period fixed in the order of grant).

Provisos—

No permission is necessary—

(1) for the cutting or removal of—

(*a*) any dry standing tree in 2nd class demarcated or undemarcated forests except deodar, walnut, box and ash ;

(*b*) any 2nd class reserved tree or dry standing tree in 1st class protected forests (except deodar, walnut, box and ash) which has been specially marked by the Forest Officer ;

(2) for the lopping for fodder and manure of any reserved tree of the 2nd class ;

(3) for the lopping for charcoal of rai, tos, kail (where the right has been specially admitted in the detailed record), or chil or of any 2nd class reserved trees up to one-third of its height in Kulu and Rupi, one-half in Inner Sahráj and two-thirds in Outer Sahráj.

This proviso only applies to trees of more than two haths in girth at three haths from the ground in Kulu and Rúpi, and of more than one hath in girth at three haths from the ground in Sahraj.

(4) for the removal of dry fallen timber, except deodar, walnut, box and ash, or of stumps of any kind ;

(5) for the cutting or removal for biers of two rai poles of not more than a hath in girth at the ground, or when rai trees are not readily accessible of two poles of the same dimensions of any kind of tree except deodar, alder (unless specially marked for the purpose by the Forest Officer), box, walnut, ash and kail. Notice of such cuttings must be given to the rakha or other forest official within ten days ;

(6) for the cutting or removal for cremation purposes of two kail trees not exceeding two haths in girth at the ground, or when kail are not easily procurable of two trees of the same dimensions of any kind except deodar, alder (unless specially marked for the purpose by the Forest Officer), box, walnut and ash. Notice of such cuttings must be given to the rakha or other forest official within ten days;

(7) for the cutting or removal for making agricultural implements or domestic utensils of any trees of not more than one hath in girth at the ground of any kind except deodar, box, walnut, ash and kail. Kail trees may also be removed in such cases as a right thereto has been specially admitted in the detailed record. Notice of all such cuttings must be given to the rakha or other forest official within ten days;

(8) for the lopping for manure in 1st class protected forests, in cases in which the right has been recorded, of any 1st class reserved tree except deodar, box, walnut and ash within such period or periods not being in the aggregate more than four months or less than two months in each year, and at such times as the Deputy Commissioner shall fix upon the report of the Assistant Commissioner and Forest Officer.

This proviso is subject to the same conditions as to the girth of the tree and the height to which it may be lopped as are imposed in proviso 3;

(9) for the lopping for manure in 2nd class protected and undemarcated forests of any 1st class reserved tree except deodar, box, walnut and ash, subject to the same conditions as to the girth of the tree and the height to which it may be lopped as are imposed in proviso 3;

(10) for the cutting of one branch of a yew suitable for the Bastar Deo (household god) on the construction of a new dwelling-house.

6. In all cases in which permission is required for the cutting of the following trees such permission shall be granted on payment at the rates detailed below :—

(a) for box, walnut and ash Rs. 3 per tree;

(b) for deodar at the following rates :—

Up to 3 haths girth	(4′ 6″)	Measured at 3 haths from the ground.	Re 1 per tree.
" 4 " "	(6′ 0″)		Rs. 2 "
" 5 " "	(7′ 6″)		" 3 "
" 6 " "	(9′ 0″)		" 4 "
Above 6 " "	(9′ 0″)		" 5 "

(c)

	Rs.	a.	p.	
For rai and tos ...	0	4	6	For trees not less than 6 feet in girth at 4½ feet from the ground.
For chil ...	0	8	0	
For kail ...	1	0	0	

The sale-proceeds of trees included in classes (a), and (b) shall be credited to Government and those of trees included in class (c) to the Kothi Fund.

7. Trees granted by the Assistant Commissioner or Forest Officer may not be cut or removed until marked by a forest official.

8. No trees standing within 10 yards of any public road may be cut except with the permission of the Assistant Commissioner.

9. Dry leaves for manure may not be removed from 1st class forests except when a right in that behalf has been recorded in the detailed Record of Rights. Where such right has been admitted, it may only be exercised within such period or periods not being more than one month or less than 14 days in the aggregate in each year, as the Deputy Commissioner on the report of the Assistant Commissioner and Forest Officer shall fix in each case.

10. The grazing of buffaloes is prohibited.

11. The grazing of cattle (except buffaloes) in 1st and 2nd class protected forests is prohibited except to the extent allowed and subject to the limitations in time imposed in the detailed Record of Rights.

12. No grass land may be burned without the permission of the Assistant Commissioner or Forest Officer.

13. In undemarcated forests no land may be broken up or cleared for cultivation or for any other purpose without the permission of the Assistant Commissioner.

14. No nets or snares may be set without the permission of the Assistant Commissioner.

15. New quarries may not be opened without the permission of the Assistant Commissioner or Forest Officer.

Mr. Anderson's Redraft.

The following rules apply to the areas declared protected forests under Chapter IV of Act VII of 1878 (Indian Forest Act):—

By Notification No.		dated		(1st class protected forests):
By	do. do.	do.		(2nd do. do.): and
By	do. do.	do.		(Undemarcated protected forests):

and are issued under section 31 of that Act with the sanction of the Governor-General in Council.

2. Except where the contrary is stated, the rules apply to protected forests of all classes.

3. In these rules, unless there is something repugnant in the subject or context—

"Record of rights" means the record prepared in accordance with section 28 of the Indian Forest Act.

"Right-holder" means a person to whom a right has been admitted in the record of rights of any forest

"Tree" and "timber" have the same meaning as in the Indian Forest Act.

"Cattle" does not include elephants, camels, buffaloes, and pigs; otherwise it has the same meaning as in the Indian Forest Act.

Or

"Cattle" includes horses, mares, geldings, ponies, colts, fillies, mules, asses, rams ewes, sheep, lambs, goats and kids.

"Land assessed to revenue" includes land recorded in the Land Revenue Records as belonging to private persons, and liable to assessment, though no revenue was charged upon it in the internal distribution (bachh) of the last assessment, and also land brought under cultivation since last assessment of the revenue with the permission of the Assistant Commissioner of Kulu.

4. These forests shall be managed by the Assistant Commissioner of Kulu and the Forest Officer of the sub-division in such conjunction as the Local Government may by executive order direct.

5. The Local Government may at any time apply to these areas the provisions of Chapter II of the Forest Act and may thereby remove them from the operation of these rules.

6. (1) The grazing of buffaloes in 1st and 2nd class forests is prohibited.

(2) The grazing of buffaloes in undemarcated forests is prohibited except wit the permission of the Forest Officer.

The Forest Officer may give permission to the proprietors of cultivated land in the Kulu Sub-Division assessed to revenue and to their agricultural tenants to graze buffaloes kept for their agricultural or domestic purposes in undemarcated forests where there is no risk of damage to tree growth:

Provided that permission shall not be given if the right-holders in the forest show reasonable and sufficient cause to the contrary.

7. (1) The grazing of cattle in 1st class forests is prohibited except by right-holders in the exercise of a right admitted in the record of rights.

(2) The grazing of cattle in 2nd class and undemarcated forests is prohibited except by proprietors of cultivated land in the Kulu Sub Division assessed to revenue and by their agricultural tenants, and subject to the conditions imposed in the record upon all grazing rights:

Provided that nothing in the record of rights shall prevent the right-holder in the case of 1st class forests or the proprietor of land and his agricultural tenant in the case of 2nd class and undemarcated forests from grazing any number of cows, bullocks and calves belonging to himself, and a number of sheep and goats, belonging to himself, not more than 30 per cent. in excess of the number he possessed at the enumeration made at the last assessment of the revenue.

Or

7. (1) *The grazing of cattte in 1st class forests is prohibited except in the exercise of a right admitted in the record of rights.*

(2) *The grazing of cattle in 2nd class forests is prohibited except in the exercise of a right admitted in the record of rights, provided that if none of the right-holders in any such forest objects, the proprietors of cultivated land in the Kulu Sub-Division assessed to revenue and their agricultural tenants, other than right-holders, may graze cattle in such forests subject to the conditions imposed in the record upon all grazing rights.*

(3) *The grazing of cattle in undemarcated forests is prohibited except by proprietors of cultivated land in the Kulu Sub-Division assessed to revenue and their agricultural tenants and subject to the conditions imposed in the record upon all grazing rights.*

(4) *Nothing in the record of rights shall prevent right-holders and proprietors of land and their agricultural tenants from grazing any number of cows, bullocks and calves belonging to themselves and a number of sheep and goats belonging to themselves not more than 30 per cent. in excess of the number they possessed at the last assessment of the revenue.*

Or

7. *The grazing of cattle is prohibited except in the exercise of a right admitted in the record of rights provided that nothing in that record shall prevent right-holders from grazing any number, etc. (as above).*

8. Nothing in the last preceding rule shall prevent Gaddi shepherds on their way through Kulu from grazing their flocks in those 2nd class and undemarcated forests through which they have a right of way from 15th Jait to the end of Har and from 15th Bhadron to 20th Assauj, or for such longer periods as the Assistant Commissioner may fix.

Gaddi shepherds may not halt their flocks in protected forests for more than one night at any single halting place; and halting places shall be at leat 5 miles apart.

9. The removal of fallen leaves from 1st class forests is prohibited except in the exercise of a right admitted in the record of rights.

10. The lopping, cutting, barking, ringing and removal of timber and trees are forbidden except by right-holders in the exercise of a recorded right, and subject to the provisions of rule 11 :

Or

10. *The lopping, cutting, barking, ringing, and removal of timber and trees are forbidden except in the exercise of a recorded right and subject to the provisions of rule* 11.

Provided that nothing in the record of rights shall prevent proprietors of cultivated land in the Kulu Sub-Division assessed to revenue and their agricultural tenants other than right-holders from cutting, lopping, barking and removing timber and trees of the kinds not reserved by Notification No. , dated , nor from cutting and removing fallen timber of the reserved kinds except deodar, walnut, box and ash, and stumps of all kinds.

11. Timber and trees of the kinds reserved by Notification No. , dated *viz.*—

First class reserved trees.	*Second clase reserved trees.*
1. Deodar.	11. Olive.
2. Box.	12. Elm.
3. Walnut.	13. Yew.
4. Ash.	14. Cypress.
5. Alder.	15. Horse chestnut.
6. Blue pine.	16. Celtis.
7. Chil.	17. Mulberry.
8. Spruce.	18. Hill tun.
9. Silver.	19. Kakaran.
10. Shisham.	20. Poplar.

may not be cut, lopped, barked or removed without the permit of the Assistant Commissioner or the Forest Officer.

In cases where revenue has been assessed on timber under the land revenue assessment, no permit shall be granted until such revenue has been paid.

Permits shall be held to have lapsed if the trees are not cut, lopped, barked or removed within the periods fixed in the permits :

Provided that no permit is necessary to the following acts when done in the exercise of a recorded right :—

or in accordance with the proviso to rule 10.

(1). The cutting and removal of stumps of any kind, and of fallen timber except deodar, walnut, box and ash.

(2). The cutting and removal of—

(a) any dry standing tree (not being deodar, walnut, box, and ash) in 2nd class and undemarcated forests.

(b) any dry standing tree (not being deodar, walnut, box and ash) in 1st class forests which has been specially marked by the Forest Officer, provided that unless and until a sufficient number of trees are so marked, such trees may be cut and removed under the permit of the Negi of the kothi in which the forest is situated. The Assistant Commissioner shall determine when a sufficient number of trees has been marked and the authority of the Negi to give permits shall then cease.

Nothing in provisos (1) and (2) shall be deemed to allow the cutting and removal without a permit of any timber or dry standing trees from any forest which has been burned.

(3). The cutting and removal of any 2nd class reserved tree which has been specially marked by the Forest Officer.

(4). The lopping for fodder, manure, charcoal or other purpose of any 2nd class reserved tree.

(5). The lopping for charcoal of kail (where the right has been admitted in the record of rights) or of rai, tos or chil up to one-third of its height in Kulu Proper and Waziri Rupi, one-half in Inner Sahraj, and two-thirds in Outer Sahraj.

This proviso applies only to trees of more than two haths in girth at three haths from the ground in Kulu Proper and Waziri Rupi, and of more than one hath in girth at three haths from the ground in Inner and Outer Sahraj.

(6). (a) The lopping for manure in 1st class forests (where the right has been recorded of any 1st class reserved tree except deodar, walnut, box and ash, within such period or periods not being in the aggregate more than four months or less than two months in each year, and at such times as the Deputy Commissioner shall fix upon the report of the Assistant Commissioner and Forest Officer.

(b) The lopping for manure in 2nd class and undemarcated forests of any 1st class reserved tree except deodar, walnut, box and ash.

This proviso is subject to the same conditions as to the girth of the tree and the height to which it may be lopped as are imposed in proviso (5).

(7). The cutting and removal of one branch of a yew suitable for the Bastar Deo (household god) on the construction of a new dwelling-house.

(8). The cutting and removal for biers of two rai poles of not more than a hath in girth at the ground or when rai trees are not readily accessible of two poles of the same dimensions of any kind of tree except deodar, walnut, box and ash, but kail trees may be cut and removed from 1st class forests only when a right has been admitted in the record of rights and alder may be cut and removed from any forest only when a right thereto has been recorded, or when alder trees have been specially marked for the purpose by the Forest Officer.

Notice of all such cuttings must be given to the rakha or other forest officia within 10 days.

or

8. *The cutting and removal for biers of two rai poles of not more than a hath in girth at the ground, or when rai trees are not readily accessible of two poles of the same dimension of any kind of tree except deodar, walnut, box and ash.*

Notice of all such cuttings, etc. (as above),

(9). The cutting and removal for cremation purposes of two kails not exceeding two haths in girth at the ground or where kail is not easily procurable of two trees of the same dimensions of any kind except alder (unless specially marked for the purpose by the Forest Officer), deodar, walnut box and ash.

Notice of all such cuttings must be given to the rakha or other forest official within 10 days.

(10). The cutting and removal for making agricultural implements and domestic utensils of any tree of not more than one hath in girth at the ground of any kind except deodar, walnut, box, ash and kail. Kail trees also may be cut and removed where a right thereto has been admitted in the record but such trees cut for the sanj of the plough may not be more than one hath and for the shamai not more than two haths in girth at the ground.

Notice of all such cuttings must be given to the rakha or other forest official within 0 days.

12. Trees granted by the Assistant Commissioner or Forest Officer, may not be cut or removed until marked by a forest official.

Provided that unless and until a sufficient number of trees have been marked in a forest by the Forest Officer, the Negi of the kothi in which the forest named in the permit is situated may, on presentation of the permit, mark the trees of the kind and size, and to the number entered in it.

The Assistant Commissioner shall determine when a sufficient number of trees have been marked, and the authority of the Negi to mark trees shall than cease.

13. Trees shall be marked in a forest in which the applicant for a permit has a right to trees, provided that, where the permit applies to a forest from which the Deputy Commissioner has, on the report of the Forest Officer, directed that no trees may be cut the trees granted shall in that case be marked in another forest which shall be as conveniently situated for the purposes of the applicant as the demands of forest conservancy and the requirements of right-holders will admit.

14. No tree standing within 10 yards of any public road may be cut except with the permission of the Assistant Commissioner.

15. Deodar trees will be given only for irrigation channels, for the construction and repair of temple buildings, and for the doors and windows of dwelling houses.

16. Dry deodar trees standing within 40 yards of any temple, or of any building connected with any temple, may be cut and removed only for the repairs of the temple buildings.

Green deodar trees standing within the space above defined may be cut only for the aforementioned purpose and only when dry trees are not available.

17. When trees have been given for building purposes, the building shall be constructed within the limits of the kothi where the cultivated land, on account of which the trees are given, is situated.

18. The Deputy Commissioner is empowered to arrange with right-holders in any forest the quantity of timber per annum to be granted to them for building purposes, and the quantity thus fixed shall be distributed among the right-holders by the Negi, or in such other way as may have been agreed upon.

19. When the house of a right-holder has been destroyed by fire or broken down by snow or otherwise, or when for other sufficient reason timber is urgently required, the Assistant Commissioner or Forest Officer shall at once pass orders on the application for a permit without regard to any time that may be fixed for granting permits.

20. No forest produce acquired in the exercise of rights may be sold or bartered, or applied to any but the purpose for which it was acquired,

Provided that nothing in this rule shall prevent the sale of bamboos, fruits, flowers medicinal roots and leaves, honey, grass, firewood, torches, charcoal, lime, slates and plastering earth.

21. Non-agricultural residents, and travellers and traders passing through Kulu, may graze their own cattle, collect dry fallen wood (not being deodar, walnut, box or ash) and cut grass in the undemarcated forests of the kothi in which they reside, or through which they are passing, but these licenses may be exercised only for their own domestic requirements, and while *boná fide* travelling in Kulu, and in case of abuse may be withdrawn by Government.

22. No grass land may be burned without the permission of the Assistant Commissioner or Forest Officer.

23. The burning of lime or of charcoal within 1st clast forests is forbidden except with the permission of the Assistant Commissioner or Forest Officer.

24. In the undemarcated forests no land may be broken up or cleared for cultivation, or for any other purpose without the permission of the Assistant Commissioner.

25. New quarries may not be opened without the permission of the Assistant Commissioner or Forest Officer.

26. The felling and removal of trees, timber and other forest produce for trade, and the granting of licenses to fell and remove trees, timber or other forest produce for trade, and the payments to be made in respect thereof shall be at the discretion of the Forest Officer acting under the control of the Deputy Commissioner.

The Forest Officer shall not fell or remove trees, timber or other forest produce nor grant licenses for their removal to an extent that will interfer with the due supply of the right-holders.

27. Nets, traps and snares may not be set in Waziri Rupi without the permission of the Rai of Rupi, and in the rest of the Kulu Sub-Division without the permissioin of the Assistant Commissioner.

28. Notwithstanding anything in these rules no timber found lying in protected forests within the high water level of the following rivers within the limits named may be removed :—

1. Beas, below a pillar near the Kolong Bridge.
2. Solang-gahr, below a pillar near the Solang hamlet.
3. Alaini Nal, below a pillar near the Monali-Nagar Road.
4. Fojlati Nal, below a pillar near the Kukri hamlet.
5. Sarari Nal, below a pillar near the Gramang hamlet.
6. Parbati River, below a pillar near the Phulga hamlet.
7. Grahan Nal, below a pillar near its junction with the Garth Nal.
8. Shat Nal, below a pillar near its junction with the Dohora Nal.
9. Hurla Nal, below a pillar near its junction with the Manihar Nal.
10. Jiwa Nal, below a pillar under the Ghatipat Dhar.
11. Sainj River, below a pillar at the most eastern boundary of the Humkani Reserve.
12. Thirthan River, below a pillar at the most eastern boundary of the Rolla Reserve
13. Balhachan Nal, below a pillar at the most western boundary of the Bung Dhar 2nd Class Protected Forest.
14. Kulwari Nal, below a pillar near the Kulwari hamlet.
15. Juphra-gad, below a pillar near the most northern boundary of the Kajlahr 2nd Class Protected Forest.
16. Bahu-gad, below a pillar near the Ghaner Kalaun Reserved Forest.
17. Bisna-gad, below a pillar near the Shahad hamlet.
18. Kurpan-gad, below a pillar at the most northern boundary of the Shili-Girchi Reserve.
19. Mahali-gad, below a pillar at the most southern boundary of the Brati 2nd Class Protected Forest.
20. Sutlej River, the whole right bank on the border of the Kulu Sub-Division: provided that subject to the provisions of rules 20 and 21, any pieces of timber so found may be removed by any one if—
    - (a) they are of such size that they can be carried by one man, and
    - (b) they have not been cut up in order to reduce them to this size.

GENERAL CONDITIONS.

Conference Draft.

1. Except where the contrary is stated what follows applies to all protected forests including undemarcated forests and waste lands.

2. All the produce of these forests, belong to Government, subject to the recorded rights of user.

3. In demarcated forests all the proprietors and the agricultural tenants of the land to which in the Forest Settlement Record all or any of the rights admitted in the detailed records are declared to be appendant may, subject to the provisions of the rules under Section 31, exercise such rights within the areas specified in those records, provided that tenants-at-will may take trees for building purposes only through the proprietors of their land.

4. In undemarcated forests proprietors of land and their agricultural tenants may, so far as Government is concerned, subject only to the provisions of the rules under Section 31, exercise all rights of user, provided that tenants-at-will may take trees for building purposes only through the proprietors of their land.

5. Non-agricultural residents may graze their own cattle, collect dry wood for fuel and cut grass in the undemarcated forests of the village in which they reside ; but these privileges (licenses) may be exercised only for their own actual domestic requirements, and in case of abuse may be withdrawn by Government.

6. The rights of user are appendant to cultivated land paying revenue or of which the revenue has been assigned and may be acquired and alienated only with such land. They may be exercised only for the *bonâ fide* agricultural and domestic purposes of the right-holders and of their cattle and to the extent of their *bonâ fide* requirements, and not for the supply of tea or other industries, nor for purely pastoral as distinguished from agricultural purposes. In all cases *bonâ fide* requirements shall be fixed solely with regard to the requirements of a native agriculturist.

7. The following minor forest produce may, so far as Government is concerned, be removed from all protected forests by any right-holder :—

(1) Grass.

(2) Roots.

(3) Fruits, flowers.

(4) Nirgal.

(5) Unreserved trees and shrubs, subject to the provisions of Rule 8 under Section 31.

(6) Wild honey.

8. Forest produce other than that specified in the preceding paragraph may be removed only by right-holders, whose rights to such produce have been specially admitted and subject to the provisions of the rules under section 31.

9. Wherever the right to building timber has been admitted in the detailed records the right shall be held to include timber required for the construction and repair of dwelling-houses, cattle and grass sheds and other agricultural buildings, irrigation channels, beds and grain boxes. The right is also subject to the provision that for the eight trees mentioned in rule 6 payment must be made at the rates fixed from time to time by rule.

10. In demarcated forests the grazing of cattle (except buffaloes) is admitted to those right-holders only whose rights in that behalf are specially provided for in the detailed records ; and only to the extent allowed and subject to the limitations imposed by those records.

11. Any right-holder may, so far as Government is concerned, graze his cattle (except buffaloes,) in the undemarcated forests and waste lands.

Mr. Anderson's Redraft.

General conditions for 1st Class Protected Forests in the Kulu Sub-Division.

1. This record has been prepared for purposes of section 28 of the Indian Forest Act, 1878, and is applicable to the areas which it is proposed to declare protected forest by the draft notifications mentioned in the margin.

(1) Notification No. , dated , for 1st Class Protected Forests in Kulu Proper.
(2) Notification No. , dated , for 1st Class Protected Forests in Waziri Rupi.
(3) Notification No. , dated , for 1st Class Protected Forests in Inner Sahraj.
(4) Notification No. , dated , for 1st Class Protected Forests in Outer Sahraj.

2. In this record, unless there is something repugnant in the subject or context—

" Tree " and " timber " have the same meaning as in the Forest Act.

" Cattle " has the same meaning as in the Forest Act, except that it does not include elephants, camels, buffaloes or pigs.

3. The soil and all the produce of these forests belong to Government subject to the recorded rights of user.

4. The rights of user are appendant to cultivated land, assessed to revenue, including cultivated land recorded at the last assessment of the revenue as waste belonging to private persons upon which, though liable to assessment, no revenue was charged in the internal distribution (bachh), and also land brought under cultivation since the last assessment of the revenue with the permission of the Assistant Commissioner; and they are acquired and alienated only with such land.

They are exercised only for the *boná fide* agricultural and domestic purposes of the right-holders and only in behalf of their own cattle, and not for the supply of tea or other industries, nor for purely pastoral as distinguished from agricultural purposes.

5. No forest produce acquired by right-holders in the exercise of these rights of user, except bamboos, fruits, flowers, medicinal roots and leaves, honey and grass, is sold, or bartered, or applied to any but the purpose for which it was acquired.

6. Trees for building purposes are not given when the right-holder applying for them has already got a suitable building in a reasonably convenient locality and of size sufficient for the requirements of a *boná fide* native agriculturist holding the land to which the right appertains.

7. When trees have been given for building purposes, the buildings have been constructed within the limits of the kothi where the cultivated land on account of which the trees are given is situated.

8. Green trees are not cut within 40 yards of any temple or of any building connected with any temple except for the repairs of the temple, and when no dry timber or trees are available. Dry deodar trees standing within this area are applied only to the repairs of the temple buildings and are cut and removed for that purpose.

9. Wherever a limit in time has not been imposed on the exercise of any right it does not of necessity follow that the right is in reality exercised every day and always all the year round, but it implies that the periods during which the right is exercised depend on circumstances so various and changing that it is impossible to fix them.

10. All rights admitted are subject to the limitation that they may not be exercised to an extent that may endanger the existence of the forest over which the rights are admitted; and Government may, in enforcing this limitation, define by numbers the maximum aggregate of any right in any forest, and in that case the extent of the rights of right-holders *inter se* shall be proportionate to the revenue assessed or that might be assessed in respect of the land to which the right is appendant.

11. On the complaint of a right-holder in any forest that another right-holder is exercising any right in excess of his requirements for agricultural and domestic purposes to the damage of other right-holders, the Government may define by numbers the maximum aggregrate of such right, and the extent of the rights of right-holders *inter se* shall be proportionate to the revenue assessed or that might be assessed in respect of the land to which the right is appendant.

12. The proprietors of land and also their agricultural tenants exercise the rights declared in the detailed record of each forest to be appendant to their land, subject to the conditions and limitations prescribed, but tenants-at-will get trees for building purposes only through the proprietors of their land.

13. Wherever in the detailed record of rights the rights to minor forest produce is admitted, it means a right to remove for any agricultural or domestic purpose the following articles of forest produce, *viz.* :—

(1) Grass, baran, kadari, jarahn, churwachi, sheroli, and such like forest produce

(2) Jagri, gugal, eklbir, karu, patis, and other such like roots.

(3) Chestnuts, walnuts, banafsha and other flowers, fruits and medicinal plant and leaves.

(4) Wild honey.

(5) The various kinds of bamboos.

14. Wherever the right to lop, bark, cut, and remove inferior trees, or to cut and remove fallen trees and dry standing trees is admitted in the detailed record of rights, it means a right to do these acts for the following agricultural and domestic purposes:—

(1) Fuel; charcoal.

(2) Fences.

(3) Agricultural and domestic implements.

(4) Building purposes.

(5) Cremation purposes.

(6) Fodder.

(7) Manure.

(8) Incense and other such uses.

(9) Tanning, rope-making, oil-making.

15. Wherever in the detailed records of rights a right to timber is admitted, it means a right to timber and trees for the following purposes :—

(1) For the construction and repair of dwelling houses, cattle and grass sheds, and other agricultural buildings.

(2) For the construction and repair of temples and of buildings attached to temples.

(3) For the ark of the deotas and other such purposes.

(4) For grain boxes, irrigation channels, agricultural and domestic implements, and other such purposes.

16. Wherever a right of way is recorded, the roads and paths are used by cattle unless the contrary is stated.

17. In Inner and Outer Sahraj the proprietors of cultivated land assessed to revenue set nets, traps and snares for the capture of hawks and musk deer in the forests of their kothis.

18. The rights of the jagirdar of Rupi Waziri in these forests have been separately recorded, and the preceding paragraphs do not apply to him.

General conditions for 2nd Class Protected Forests in the Kulu Sub-Division.

Notifications Nos. , dated for 2nd Class Protected Forests in Kulu Proper, Rupi, Inner Sahraj and Outer Sahraj.

1. As for 1st class forests.

2.–11. As for 1st class forests.

12. The proprietors of land and their agricultural tenants exercise such of the following rights as have been declared in the detailed record of each forest to be appendant to their land, subject to the conditions and limitations prescribed; but tenants-at-will get trees for building purposes only through the proprietors of their land :—

(1) To graze cattle at the times given in the record when any limit has been imposed.

(2) To take timber and trees—

(*a*) for agricultural implements and domestic utensils;

(*b*) for the construction and repair of dwelling houses, cattle and grass sheds, and other agricultural buildings; and also for grain boxes and irrigation channels;

(*c*) for the construction and repair of temples and of dwellings attached to temples;

(*d*) for the ark of the deotas and other such purposes;

(*e*) for the bier and the cremation of the dead;

(*f*) for fuel and for charcoal for smithy purposes;

(*g*) for tanning and such like purposes.

(3) To take the following articles of forest produce :—

(*a*) Grass of all kinds for fodder, thatching, rope-making, and other domestic and agricultural purposes.

(*b*) Flowers, ferns, plants for medicinal, domestic and agricultural purposes.

(c) Brushwood for fencing and other purposes.

(d) Branches of trees for fodder, manure, hedges, charcoal and ropes.

(e) Fallen leaves for manure.

(f) Leaves and bark of certain trees and shrubs for tanning, incense, rope-making, medicinal and other purposes.

(g) Dry wood for fuel, torches and other purposes.

(h) Fruits and roots for food, washing, dyeing, medicinal and other such purposes.

(i) Stumps of trees for torches and manufacture of oil.

(j) Bamboos for basket-making and other purposes.

(k) Stones, slates, earth, clay, and limestone for building, plastering, for the manufacture of earthen vessels, mill stones and other purposes.

(l) Wild honey.

13. For the purposes of this record trees are divided into two classes—

1st class.		*2nd class.*
Deodar.	Alder.	All other trees.
Kail.	Yew.	
Chil.	Shisham.	
Rai.	Olive.	
Tos.	Horse chestnut.	
Cypress.	Kirk.	
Walnut.	Mulberry.	
Box.	Darl.	
Elm.	Kakaran.	
Ash.	Phals.	

14. In the exercise of the rights detailed in paragraph 12 all second class trees are lopped, barked, cut and removed, whether dry or green, standing or fallen.

15. The following rights are exercised in respect of the 1st class trees:—

(1) They are cut and removed, whether dry or green, standing or fallen, for the following purposes:—

(a) Agricultural and domestic implements and utensils.

(b) Building purposes, grain boxes, irrigation channels.

(c) Construction and repair of temples.

(d) Ark of the deotas.

(e) Biers and cremation of the dead.

(2) Except deodar, fallen trees and dry standing trees of the 1st class are cut and removed for fuel and charcoal as well as for the purposes detailed in (1), and the stumps of deodar are also taken.

(3) Green rai, tos, chil, and failing these, kail, are cut and removed for the bier and for the cremation of the dead.

(4) A branch of a yew suitable for the Bastar deo (household god) is cut and removed on the construction of a new dwelling house.

(5) The following trees are lopped for fodder and other purposes:—

Elm.	Mulberry.
Olive.	Darl.
Horse chestnut.	Kakaran
Kirk.	Phals.

(6) Kail, chil, rai and tos are lopped for charcoal but not to the top.

(7) In Kulu Proper rai, and tos and in Waziri Rupi, Inner Sahraj and Outer Sahraj, kail, chil, rai and tos are lopped for manure, but not to the top.

(8) In Outer Sahraj, where other suitable trees cannot be found, kail and rai suitable for the sanj and shamai of the plough are cut and removed.

16. In Inner and Outer Sahraj the proprietors of cultivated land assessed to revenue set nets, traps and snares for the capture of hawks and musk deer in the forests of their kothis.

17. The rights of the Jagirdar of Rupi in these forests have been separately recorded, and the preceding paragraphs do not apply to him.

Record of rights and general conditions for the undemarcated forests of the Kulu Sub-Division.

Notification No. , dated , for undemarcated protected forests in the Kulu Sub-Division.

1. As for 1st class Forests.

2. As for 1st class forests.

3. In Kulu Proper, Inner and Outer Sahraj the soil and all the produce of these forests belong to Government, subject to the recorded rights of user.

In Waziri Rupi the soil of these forests belongs to the Rai but all the forest produce belongs to the Government, subject to the recorded rights of user.

4.
5.
6.
7.
8.
9.
10.
11.
} As for 1st class forests.

12. (I). The following are the rights for the exercise of which in undemarcated forests provision is made in this record :—

(1) To graze cattle.

(2) To take timber and trees—

(*a*) for agricultural implements and domestic utensils;

(*b*) for the construction and repair of dwelling houses, cattle and grass sheds, and other agricutural buildings, and also for grain boxes and irrigation channels.

(Etc., as in Rule 12 for 2nd class forests.

(II). Proprietors of cultivated land assessed to revenue and their agricultural tenants may, as against the Government, exercise in any undemarcated forest all or any of the rights mentioned above, subject to the limitations and conditions laid down in this record, provided that—

(*a*) they may exercise over the timber and trees of the 1st class, standing in kothis other than that in which their land is situated, only such rights as have been admitted to them in the detailed record for each kothi; and

(*b*) nothing in this record shall be deemed to confer upon or recognize in any person, except as against the Government, any right which he does not otherwise possess.

13.
14.
15.
16.
17.
} As for 2nd class forests.

FINALLY ACCEPTED RECORD.

I.

General Conditions for 1st Class Protected Forests in the Kulu Sub-Division.

1. This record has been prepared for the purposes of Section 28 of the Indian Forest Act, 1878, and is applicable to the areas which have been declared protected forests by the notification mentioned in the margin.

Notification No. 280, dated 1st June 1896, for 1st Class Protected Forests in Kulu Proper, Inner Sahraj, Outer Sahraj and Waziri Rupi.

2. In this record, unless there is something repugnant in the subject or context—

"Tree" and "timber" have the same meaning as in the Forest Act.

"Cattle" has the same meaning as in the Forest Act, except that it does not include elephants, camels, buffaloes or pigs.

3. The soil and all the produce of these forests belong to Government subject to the recorded rights of user.

4. The rights of user of right-holders are appendant to cultivated land, assessed to revenue, including cultivated land recorded at the last assessment of the revenue as waste belonging to private persons upon which though liable to assessment, no revenue was charged in the internal distribution (bachh), and also land brought under cultivation since last assessment of the revenue with the permission of the Assistant Commissioner; and they are acquired and alienated only with such land.

They are exercised only for the *bona fide* agricultural and domestic purposes of the right-holders and only in behalf of their own cattle, and not for the supply of tea or other industries, nor for purely pastoral as distinguished from agricultural purposes.

5. No forest produce acquired by right-holders in the exercise of these rights of user, except bamboos, fruits, flowers, medicinal roots and leaves, honey and grass, is sold or bartered, or applied to any but the purpose for which it was acquired.

6. Trees for building purposes are not given when the right-holder applying for them has already got a suitable building in a reasonably convenient locality and of size sufficient for the requirements of a *bona fide* native agriculturist holding the land to which the right appertains.

7. When trees have been given for building purposes, the buildings have been constructed within the limits of the kothi where the cultivated land on account of which the trees are given is situated.

8. Green deodar trees are not cut in the close vicinity of any temple or of any building connected with any temple. Dry deodar trees standing in the close vicinity of any temple or of any building connected with any temple are cut and removed only for the repairs of the temple building.

9. Wherever a limit in time has not been imposed on the exercise of any right, it does not of necessity follow that the right is in reality exercised every day and always all the year round, but it implies that the periods during which the right is exercised depend on circumstances so various and changing that it is impossible to fix them.

10. All rights admitted are subject to the limitation that they may not be exercised to an extent that may endanger the existence of the forest over which the rights are admitted. If the exercise of the rights as admitted would endanger the existence of the forest, a limitation must be placed on the exercise of those rights, and in that case the extent of the rights of right-holders *inter se* shall be proportionate to the revenue assessed or that might be assessed in respect of the land to which the right is appendant.

11. The proprietors of land and also their agricultural tenants exercise the rights declared in the detailed record of each forest to be appendant to their land, subject to the conditions and limitations prescribed, but tenants-at-will get trees for building purposes only through the proprietors of their land.

12. Wherever in the detailed record of rights the right to minor forest produce is admitted, it means a right to remove for any agricultural or domestic purpose the following articles of forest produce, *viz.*—

(1). Grass, baran, kadari, jarahn, churwachi, sheroli, and such like forest produce

(2). Jagri, gugal, ekbir, karu, patis, and other such like roots.

(3). Chestnuts, walnuts, banafasha and other flowers, fruits and medicinal plants and leaves.

(4). Wild honey.

(5). The various kinds of bamboos.

13. Wherever the right to lop, bark, cut and remove inferior trees, or to cut and remove fallen trees and dry standing trees is admitted in the detailed record of rights, it means a right to do these acts for the following agricultural and domestic purposes :—

(1). Fuel ; charcoal.

(2). Fences.

(3). Agricultural and domestic implements.

(4). Building purposes.

(5). Cremation purposes.

(6). Fodder.

(7). Manure.

(8). Incense and other such uses.

(9). Tanning, rope-making, oil-making.

14. Wherever in the detailed record of rights a right to timber it admitted, it means a right to timber and trees for the following purposes :—

(1). For the construction and repair of dwelling houses, cattle and grass sheds, and other agricultural buildings.

(2). For the construction and repair of temples and of buildings attached to temples.

(3). For the ark of the deotas and other such purposes.

(4). For grain boxes, irrigation channels, agricultural and domestic implements, and other such purposes.

15. Wherever a right of way is recorded, the roads and paths are used by cattle unless the contrary is stated.

16. In Inner and Outer Sahraj the proprietors of cultivated land assessed to revenue set nets, traps and snares for the capture of hawks and musk deer in the forests of their kothis. || X

17. The rights of the Jagirdar of Waziri Rupi as such in these forests have been separately recorded, and the preceding paragraphs do not apply to him.

18. Timber lying within the highest water-level of the large streams mentioned below has not been removed except small pieces which one man can carry :—

(1). Beas, below Kolong Bridge.

(2). Solang gahr, below Solang hamlet.

(3). Alaini Nal, below Monali Nagar road.

(4). Fojlati Nal, below Kukri hamlet.

(5). Sarwari Nal, below Gramang hamlet.

(6). Parbati River, below Phulga hamlet.

(7). Grahan Nal, below its junction with the Garth Nal.

(8). Shat Nal, below its junction with the Dohora Nal.

(9). Hurla Nal, below its junction with the Manihar Nal.

(10). Jiwa Nal, below the Ghatipat Dhar.

(11). Sainj River, below the Humkani Forest.

(12). Tirthan River, below the Rolla Forest.

(13). Balhachan Nal, below the Bung Dhar Forest.

(14). Kulwari Nal, below the Kulwari hamlet.

(15). Juphra Gad, below the Kajlahr Forest.

(16). Bahu Gad, below the Ghaner Kalaun Forest.

(17). Bisua Gad, below the Shahad hamlet.

(18). Kurpan Gad, below the Shili Girchi Forest.

(19). Mahali Gad, below the Barati Forest.

(20). Sutlej River, the whole right bank on the border of the Kulu Sub-Division.

II.

General Conditions for 2nd Class Protected Forests in the Kulu Sub-Division.

1. This record has been prepared for the purposes of Section 28 of the Indian Forest Act, 1878, and is applicable to the areas which have been declared protected forests by the notification mentioned in the margin.*

* Notification No. 281, dated 1st June 1896, for 2nd Class Protected Forests in Kulu Proper, Inner Sahraj, Outer Sahraj and Waziri Rupi.

2. In this record, unless there is something repugnant in the subject or context—

"Tree" and "timber" have the same meaning as in the Forest Act.

"Cattle" has the same meaning as in the Forest Act, except that it does not include elephants, camels, buffaloes or pigs.

3. The soil and all the produce of these forests belong to Government subject to the recorded rights of user.

4. The rights of user of right-holders are appendant to cultivated land, assessed to revenue, including cultivated land recorded at the last assessment of the revenue as waste belonging to private persons upon which, though liable to assessment, no revenue was charged in the internal distribution (bachh), and also land brought under cultivation since last assessment of the revenue with the permission of the Assistant Commissioner; and they are acquired and alienated only with such land.

They are exercised only for the *bona fide* agricultural and domestic purposes of the right-holders and only in behalf of their own cattle, and not for the supply of tea or other industries, nor for purely pastoral as distinguished from agricultural purposes.

5. No forest produce acquired by right-holders in the exercise of these rights of user, except bamboos, fruits, flowers, medicinal roots and leaves, honey and grass, is sold, or bartered, or applied to any but the purpose for which it was acquired.

6. Trees for bulding purposes are not given when the right-holder applying for them has already got a suitable building in a reasonably convenient locaity and of size sufficient for the requirements of a *bona fide* native agriculturist holding the land to which the right appertains.

7. When trees have been given for building purposes, the buildings have been constructed within the limits of the kothi where the cultivated land on account of which the trees are given is situated.

8. Green deodar trees are not cut in the close vicinity of any temple or of any building connected with any temple. Dry deodar trees standing in the close vicinity of any temple or of any building connected with any temple are cut and removed only for the repairs of the temple building.

9. Wherever a limit in time has not been imposed on the exercise of any right, it does not of necessity follow that the right is in reality exercised every day and always all the year round, but it implies that the periods during which the right is exercised depend on circumstances so various and changing that it is impossible to fix them.

10. All rights admitted are subject to the limitation that they may not be exercised to an extent that may endanger the existence of the forest over which the rights are admitted. If the exercise of the rights as admitted would endanger the existence of the forest, a limitation must be placed on the exercise of those rights, and in that case the extent of the rights of right-holders *inter se* shall be proportionate to the revenue assessed or that might be assessed in respect of the land to which the right is appendant.

11. The proprietors of land and their agricultural tenants exercise such of the following rights as have been declared in the detailed record of each forest to be appendant to their land, subject to the conditions and limitations prescribed; but tenants-at-will get trees for building purposes only through the proprietors of their land :—

(1). To graze cattle at the times given in the record when any limit has been imposed.

(2). To take timber and trees—

(*a*) for agricultural implements and domestic utensils ;

(*b*) for the construction and repair of dwelling houses, cattle and grass sheds and other agricultural buildings and also for grain boxes and irrigation channels ;

(*c*) for the construction and repair of temples and of dwellings attached to temples ;

(*d*) for the ark of the deotas and other such purposes ;

(*e*) for the bier and the cremation of the dead ;

(*f*) for fuel and for charcoal for smithy purposes ;

(*g*) for tanning and such like purposes.

(3). To take the following articles of forest produce :—

(*a*) Grass of all kinds for fodder, thatching, rope-making and other domestic and agricultural purposes.

(*b*) Flowers, ferns, plants for medicinal, domestic and agricultural purposes.

(*c*) Brushwood for fencing and other purposes.

(*d*) Branches of trees for fodder, manure, hedges, charcoal and ropes.

(*e*) Fallen leaves for manure.

(*f*) Leaves and bark of certain trees and shrubs for tanning, incense, rope-making, medicinal and other purposes.

(*g*) Dry wood for fuel, torches and other purposes.

(*h*) Fruits and roots for food, washing, dyeing, medicinal and other such purposes.

(*i*) Stumps of trees for torches and manufacture of oil.

(*j*) Bamboos for basket-making and other purposes.

(*k*) Stones, slates, earth, clay and limestone for building, plastering, for the manufacture of earthen vessels, mill stones and other purposes.

(*l*) Wild honey.

12. For the purposes of this record trees are divided into two classes—

1st class.		*2nd class.*
Deodar.	Alder.	All other trees.
Kail.	Yew.	
Chil.	Shisham	
Rai.	Olive.	
Tos.	Horse chestnut.	
Cypress.	Kirk.	
Walnut.	Mulberry.	
Box.	Darl.	
Elm.	Kakaran.	
Ash.	Phals.	

13. In the exercise of the rights detailed in paragraph 11, all second class trees are lopped, barked, cut and removed, whether dry or green, standing or fallen.

14. The following rights are exercised in respect of the 1st class trees :—

(1). They are cut and removed, whether dry or green, standing or fallen, for the following purposes :—

(*a*) Agricultural and domestic implements and utensils.

(*b*) Building purposes, grain boxes, irrigation channels.

(*c*) Construction and repair of temples.

(*d*) Ark of the deotas.

(*e*) Biers and cremation of the dead.

(2). Except deodar, fallen trees and dry standing trees of the 1st class are cut and removed for fuel and charcoal as well as for the purposes detailed in (1), and the stumps of deodar are also taken.

(3). Green rai, tos, chil, and, failing these, kail are cut and removed for the bier and for cremation of the dead.

(4). A branch of a yew suitable for the Bastar deo (household god) is cut and removed on the construction of a new dwelling house.

(5). The following trees are lopped for fodder and other purposes :—

Elm.	Mulberry.
Olive.	Darl.
Horse chestnut.	Kakaran.
Kirk.	Phals.

(6). Kail, chil, rai, tos are lopped for charcoal, but not to the top.

(7). In Kulu Proper rai and tos, and in Waziri Rupi, Inner Sahraj and Outer Sahraj, kail, chil, rai and tos are lopped for manure, but not to the top.

(8). In Outer Sahraj, where other suitable trees cannot be found, kail and rai suitable for the sanj and shamai of the plough are cut and removed.

15. In Inner and Outer Sahraj the proprietors of cultivated land assessed to revenue set nets, traps and snares for the capture of hawks and musk deer in the forests of their kothis.

16. The rights of the Jagirdar of Rupi as such in these forests have been separately recorded, and the preceding paragraphs do not apply to him.

17. Timber lying within the highest water-level of the large streams mentioned below has not been removed except small pieces which one man can carry :—

(1). Beas, below Kolong Bridge.

(2). Solang gahr, below Solang hamlet.

(3). Alaini Nal, below Monali Nagar road.

(4). Fojlati Nal, below Kukri hamlet.

(5). Sarwari Nal, below Gramang hamlet.

(6). Parbati River, below Phulga hamlet.

(7). Grahan Nal, below its junction with the Garth Nal.

(8). Shat Nal, below its junction with the Dohora Nal.

(9). Hurla Nal, below its junction with the Manihar Nal.

(10). Jiwa Nal, below the Ghatipat Dhar.

(11). Sainj River, below the Humkani Forest.

(12). Tirthan River, below the Rolla Forest.

(13). Balhachan Nal, below the Bung Dhar Forest.

(14). Kulwari Nal, below the Kulwari hamlet.

(15). Juphra Gad, below the Kajlahr Forest.

(16). Bahu Gad, below the Ghaner Kalaun Forest.

(17). Bisua Gad, below the Shahad hamlet.

(18). Kurpan Gad, below the Shili Girchi Forest.

(19). Mahali Gad, below the Barati Forest.

(20). Sutlej River, the whole right bank on the border of the Kulu Sub-Division.

III.

Record of rights and general conditions for the undemarcated forests of the Kulu Sub-Division.

Notification No. 282, dated 1st June 1896, for undemarcated forests in the Kulu Sub-Division.

1. This record has been prepared for the purposes of Section 28 of the Indian Forests Act, 1878, and is applicable to the areas which have been declared protected forests by the notification mentioned in the margin.

2. In this record unless there is something repugnant in the subject or context—

"Tree" and "timber" have the same meaning as in the Forest Act.

"Cattle" has the same meaning as in the Forest Act, except that it does not include elephants, camels, buffaloes or pigs.

3. In Kulu Proper, Inner and Outer Sahraj the soil and all the produce of these forests belong to Government, subject to the recorded rights of user.

In Waziri Rupi the soil of these forests belongs to the Rai, but all the forest produce belongs to the Government, subject to the recorded rights of user.

4. The rights of user of right-holders are appendant to cultivated land, assessed to revenue, including cultivated land recorded at the last assessment of the revenue as waste belonging to private persons upon which, though liable to assessment, no revenue was charged in the internal distribution (bachh), and also land brought under cultivation since last assessment of the revenue with the permission of the Assistant Commissioner; and they are acquired and alienated only with such land.

They are exercised only for the *bonâ fide* agricultural and domestic purposes of the right-holders and only in behalf of their own cattle, and not for the supply of tea or other industries, nor for purely pastoral as distinguished from agricultural purposes.

5. No forest produce acquired by right-holders in the exercise of these rights of user, except bamboos, fruits, flowers, medicinal roots and leaves, honey and grass, is sold, or bartered, or applied to any but the purpose for which it was acquired.

6. Trees for building purposes are not given when the right-holder applying for them has already got a suitable building in a reasonably convenient locality and of size sufficient for the requirements of a *bonâ fide* native agriculturist holding the land to which the right appertains.

7. When trees have been given for building purposes, the buildings have been constructed within the limits of the kothi where the cultivated land on account of which the trees are given is situated.

8. Green deodar trees are not cut in the close vicinity of any temple or of any building connected with any temple. Dry deodar trees standing in the close vicinity of any temple or of any building connected with any temple are cut and removed only for the repairs of the temple building.

9. Wherever a limit in time has not been imposed on the exercise of any right it does not of necessity follow that the right is in reality exercised every day and always all the year round, but it implies that the periods during which the right is exercised depend on circumstances so various and changing that it is impossible to fix them.

10. All rights admitted are subject to the limitation that they may not be exercised to an extent that may endanger the existence of the forest over which the rights are admitted. If the exercise of the rights as admitted would endanger the existence of the forest, a limitation must be placed on the exercise of those rights, and in that case the extent of the rights of right-holders *inter se* shall be proportionate to the revenue assessed or that might be assessed in respect of the land to which the right is appendant.

11. The following are the rights for the exercise of which in undemarcated forests provision is made in this record :—

(1). To graze cattle.

(2). To take timber and trees—

(*a*) for agricultural implements and domestic utensils ;

(*b*) for the construction and repair of dwelling houses, cattle and grass sheds, and other agricultural buildings, and also for grain boxes and irrigation channels ;

(*c*) for the construction and repair of temples and of dwellings attached to temples ;

(*d*) for the ark of the deotas and other such purposes ;

(*e*) for the bier and the cremation of the dead ;

(*f*) for fuel and for charcoal for smithy purposes ;

(*g*) for tanning and such like purposes.

(3). To take the following articles of forest produce :—

(*a*) Grass of all kinds for fodder, thatching, rope-making, and other domestic and agricultural purposes.

(*b*) Flowers, ferns, plants for medicinal, domestic and agricultural purposes.

(*c*) Brushwood for fencing and other purposes.

(*d*) Branches of trees for fodder, manure, hedges, charcoal and ropes.

(*e*) Fallen leaves for manure.

(*f*) Leaves and bark of certain trees and shrubs for tanning, incense, rope-making, medicinal and other purposes.

(*g*) Dry wood for fuel, torches and other purposes.

(*h*) Fruits and roots for food, washing, dyeing, medicinal and other such purposes.

(*i*) Stumps of trees for torches and manufacture of oil.

(*j*) Bamboos for basket-making and other purposes.

(*k*) Stones, slates, earth, clay and limestone for building, plastering, for the manufacture of earthen vessels, mill stones and other purposes.

(*l*) Wild honey.

12. Proprietors of cultivated land in the Kulu Sub-Division assessed to revenue and their agricultural tenants may exercise over the timber and trees of the 1st class in undemarcated forests situated in kothis other than that in which their land is situated only such rights as have been admitted to them in the detailed record for each kothi.

For the rest they may exercise in any undemarcated forest all or any of the rights mentioned above to which they are now entitled, provided that such rights shall be exercised subject to the limitations laid down in his record.

13. For the purposes of this record trees are divided into two classes—

1st Class.		2nd Class.
Deodar.	Alder.	All other trees.
Kail.	Yew.	
Chil.	Shisham.	
Rai.	Olive.	
Tos.	Horse chestnut.	
Cypress.	Kirk.	
Walnut.	Mulberry.	
Box.	Darl.	
Elm.	Kakaran.	
Ash.	Phals.	

14. In the exercise of the rights detailed in paragraph 11 all second class trees are lopped, barked, cut and removed, whether dry or green, standing or fallen.

15. The following rights are exercised in respect of the 1st class trees:—

(1). They are cut and removed, whether dry or green, standing or fallen, for the following purposes:—

(*a*) Agricultural and domestic implements and utensils.

(*b*) Building purposes, grain boxes, irrigation channels.

(*c*) Construction and repair of temples.

(*d*) Ark of the deotas.

(*e*) Biers and cremation of the dead.

(2). Except deodar, fallen trees and dry standing trees of the 1st class are cut and removed for fuel and charcoal as well as for the purposes detailed in (1), and the stumps of deodar are also taken.

(3). Green rai, tos, chil, and, failing these, kail, are cut and removed for the bier and for cremation of the dead.

(4). A branch of yew suitable for the Bastar deo (household god) is cut and removed on the construction of a new dwelling house.

(5). The following trees are lopped for fodder and other purposes:—

Elm.	Mulberry.
Olive.	Darl.
Horse chestnut.	Kakaran.
Kirk.	Phals.

(6). Kail, chil, rai, tos are lopped for charcoal, but not to the top.

(7). In Kulu Proper rai and tos, and in Waziri Rupi, Inner Sahraj and Outer Sahraj, kail, chil, rai and tos are lopped for manure, but not to the top.

(8). In Outer Sahraj, where other suitable trees cannot be found, kail and rai suitable for the sanj and shamai of the plough are cut and removed.

16. In Inner and Outer Sahraj the proprietors of cultivated land assessed to revenue set nets, traps and snares for the capture of hawks and musk deer in the forests of their kothis.

17. The rights of the Jagirdar of Rupi as such in these forests have been separately recorded, and the preceding paragraphs do not apply to him.

18. Timber lying within the highest water-level of the large streams mentioned below has not been removed except small pieces which one man can carry:—

(1). Beas, below Kolong Bridge.

(2). Solang gahr, below Solang hamlet.

(3). Alaini Nal, below Monali Nagar road.

(4.) Fojlati Nal, below Kukri hamlet.

(5). Sarwari Nal, below Gramang hamlet.

(6). Parbati River, below Phulga hamlet.

(7). Grahan Nal, below its junction with the Garth Nal.

(8). Shat Nal, below its junction with the Dohora Nal.

(9). Hurla Nal, below its junction with the Manihar Nal.

(10). Jiwa Nal, below the Ghatipat Dhar.

(11). Sainj River, below the Humkani Forest.

(12). Tirthan River, below the Rolla Forest.

(13). Balhachan Nal, below the Bung Dhar Forest.

(14). Kulwari Nal, below the Kulwari hamlet.

(15). Juphra Gad, below the Kajlahr Forest.

(16). Bahu Gad, below the Ghaner Kalaun Forest

(17). Bisua Gad, below the Shahad hamlet.

(18). Kurpan Gad, below the Shili Girchi Forest.

(19). Mahali Gad, below the Barati Forest.

(20). Sutlej River, the whole right bank on the border of the Kulu Sub-Division.

STATEMENT COMPARING GRANTS OF TREES WITH NUMBER OF HOUSES, FAMILIES, POPULATION, CULTIVATION AND REVENUE.

Mr. Anderson's Appendix XII.

No.	Name of Kothi.	Number of Houses. Inhabited.	Number of Houses. Uninhabited.	Total.	Number of families.	Population.	Cultivated area in bhars.	Revenue, including mafis.	Trees given in 1881-82.	Trees given in 1882-83.	Trees given in 1883-84.	Trees given in 1884-85.	Trees given in 1885-86.
1	Monali ...	514	190	704	649	3,054	3,289	2,144	1,091	527	336	341	80
2	Jagatsukh ...	443	159	602	521	2,288	2,654	4,411	543	525	205	399	165
3	Barsai ...	209	61	270	248	1,015	1,588	1,858	940	494	308	342	140
4	Nagar ...	1,025	636	1,661	1,252	5,541	8,288	8,296	2,430	1,666	1,340	1,310	761
5	Baragarh ...	650	248	898	749	3,168	3,958	4,635	421	530	377	365	109
6	Hurang ...	212	98	310	237	1,019	1,442	1,135	392	484	317	527	249
7	Mandalgarh ...	203	88	291	237	1,032	1,598	1,421	382	254	111	129	62
8	Raison ...	391	57	448	418	1,759	2,762	2,169	676	433	512	335	57
9	Sari ...	688	154	842	921	3,349	2,588	1,776	1,126	899	685	250	209
10	Kais ...	1,099	452	1,551	1,164	5,111	8,716	5,087	1,367	1,057	812	1,045	201
11	Dugilag ...	388	56	444	415	1,922	1,923	1,237	473	877	331	500	48
12	Mangarh ...	123	26	149	133	618	1,257	397	138	457	172	178	57
13	Chauparsa ...	140	36	176	142	706	908	429	449	238	209	276	103
14	Tarapur ...	297	50	347	310	1,612	1,956	1,032	339	327	322	224	92
15	Maharaja ...	535	137	672	552	2,633	4,228	1,679	866	656	544	345	202
16	Khokhan ...	545	85	630	569	2,443	5,174	1,897	350	372	} 242	186	58
17	Bajaura ...	200	59	259	213	794	2,063	827	...	...			
	Total Kulu Proper.	7,662	2,592	10,254	8,730	38,064	54,392	40,424	11,983	9,796	6,821	6,752	2,613

Waziri Rupi.

No.	Name of Kothi.	Inhabited.	Uninhabited.	Total.	Number of families.	Population.	Cultivated area in bhars.	Revenue, including mafis.	Trees given in 1881-82.	Trees given in 1882-83.	Trees given in 1883-84.	Trees given in 1884-85.	Trees given in 1885-86.
1	Kotkandi ...	816	62	878	829	3,874	8,791	3,340	1,041	269	401	404	181
2	Chung ...	373	56	429	394	1,888	4,217	1,708	909	197	413	281	43
3	Harkandi ...	282	22	304	299	1,494	3,742	1,440	631	269	169	325	112
4	Kanawar ...	416	53	469	490	2,377	5,221	1,230	527	1,110	365	284	171
5	Sainsar ...	167	109	276	170	980	2,565	593	167	108	81	130	31
6	Bahlan ...	601	335	936	666	3,428	7,095	2,160	478	1,013	290	234	27
	Total Rupi...	2,655	637	3,292	2,848	14,041	31,631	10,471	3,753	2,966	1,719	1,658	565
	Total Kulu including Rupi	10,317	3,229	13,546	11,578	52,105	86,023	50,895	15,736	12,762	8,540	8,410	3,178

Inner Sahráj.

No.	Name of Kothi.	Number of Houses.		Total.	Number of families.	Population.	Cultivated area in bhars.	Revenue, including mafis.	Trees given in 1881-82.	Trees given in 1882-83.	Trees given in 1883-84.	Trees given in 1884-85.	Trees given in 1885-86.
		Inhabited.	Uninhabited.										
1	Manglaur ...	139	26	165	170	797	790	498	38	214	18	135	32
2	Plach ...	299	42	341	332	1,789	1,341	907	156	426	81	43	30
3	Sarchi ...	175	67	242	180	1,035	925	434	465	413	198	85	82
4	Nohanda ...	128	26	154	128	783	627	358	117	236	93	47	33
5	Tung ...	162	43	205	165	1,029	846	483	143	447	262	136	64
6	Chaini ...	178	29	207	192	901	1,082	735	226	372	209	220	68
7	Kharagarh ...	113	49	162	113	710	672	373	127	357	79	50	24
8	Tilokpur ...	124	14	138	125	733	894	583	134	228	192	151	129
9	Fatehpur ...	254	60	314	303	1,615	1,814	1,012	367	1,016	349	284	230
10	Shikari ...	249	51	300	260	1,394	1,332	992	255	636	263	157	167
11	Gopalpur ...	383	52	435	390	2,330	1,911	1,005	261	830	134	172	83
12	Banogi ...	229	48	277	234	1,402	1,501	943	184	508	137	74	83
13	Shangar ...	106	35	141	110	621	1,006	505	129	331	45	14	27
14	Bunga ...	406	101	507	437	2,392	1,782	1,202	247	500	147	111	183
	Total Inner Sahraj ...	2,945	643	3,588	3,139	17,531	16,523	10,030	2,849	6,514	2,207	1,679	1,235

Outer Sahráj.

1	Bahramgarh ...	305	72	377	305	1,718	1,294	860	385	722	257	194	63
2	Pandrabis ...	311	31	342	311	1,932	875	300	65	347	86	29	72
3	Janja ...	378	16	394	378	2,178	1,906	1,383	238	535	218	109	186
4	Jalori ...	395	16	411	395	2,550	1,356	1,118	242	1,079	137	65	184
5	Dhaul ...	345	40	385	345	1,935	1,526	1,026	140	311	80	62	28
6	Raghopur ...	554	23	577	553	3,473	2,636	2,218	202	1,256	167	153	88
7	Srigarh ...	650	39	689	677	3,643	4,069	2,742	186	847	162	98	279
8	Kandi ...	235	12	247	235	1,251	1,087	964	31	288	80	11	33
9	Kot ...	284	55	339	284	1,478	1,171	975	276	372	81	41	11
10	Naraingarh ...	834	94	928	880	4,559	2,031	2,678	399	1,765	498	294	533
11	Himri ...	1,216	141	1,357	1,219	5,898	4,421	3,288	186	1,152	66	199	142
	Total Outer Sahraj ...	5,507	539	6,046	5,582	30,615	22,372	17,552	2,350	8,674	1,832	1,255	1,619
	Total of Plach ...	8,452	1,182	9,634	8,721	48,146	38,895	27,582	5,199	15,188	4,039	2,934	2,854
	Total of Kulu & Rupi	10,317	3,229	13,546	11,578	52,105	86,023	50,895	15,736	12,762	8,540	8,410	3,178
	Total of Sub-Division (excluding Lahul and Spiti) ...	18,769	4,411	23,180	20,299	100,251	124,918	78,477	20,935	27,950	12,579	11,344	6,032

ALEX. ANDERSON,
Forest Settlement Officer.

STATEMENT SHOWING THE NUMBER OF CATTLE, SHEEP AND GOATS.

Mr. Anderson's Appendix XIII.

No.	Name of Kothi.	Number of cattle.	Number of sheep.	Number of goats.	Total of sheep and goats.	Remarks.
1	Monali ...	2,408	9,204	5,191	14,395	The enumeration in Kulu Proper was carefully attested, and the result is probably as nearly correct as such statistics can be. At the first settlement the number of cattle was 28,968 and at the revised settlement 24,151. The number of sheep and goats at the first settlement was 57,665 and at the revised settlement 47,900.
2	Jagatsukh ...	1,783	3,545	1,528	5,073	
3	Barsai ...	689	969	356	1,325	
4	Nagar ...	4,450	8,082	4,268	12,350	
5	Baragarh ...	2,912	4,027	1,373	5,400	
6	Hurang ...	1,083	2,576	690	3,266	
7	Mandalgarh ...	926	1,676	703	2,379	
8	Raison ...	1,197	1,817	669	2,486	
9	Sari ...	2,525	2,528	945	3,473	
10	Kais ...	5,259	5,084	2,464	7,548	
11	Dugilag ...	1,772	3,442	1,539	4,981	
12	Mangarh ...	820	2,027	708	2,735	
13	Chauparsa ...	716	1,650	597	2,247	
14	Tarapur ...	1,445	2,640	1,390	4,030	
15	Maharaja ...	2,714	3,065	2,011	5,076	
16	Khokhan ...	2,553	2,249	1,136	3,385	
17	Bajaura ...	677	554	127	681	
	Total Kulu Proper ...	33,929	55,135	25,695	80,830	

Waziri Rupi.

No.	Name of Kothi.	Number of cattle.	Number of sheep.	Number of goats.	Total of sheep and goats.	Remarks.
1	Kotkandi ...	5,070	5,230	4,091	9,321	
2	Chung ...	1,577	2,498	1,473	3,971	
3	Harkandi ...	1,307	2,578	1,776	4,354	
4	Kanawar ...	2,837	8,914	6,441	15,355	
5	Sainsar ...	1,203	1,585	782	2,367	
6	Bahlan ...	4,525	4,004	2,784	6,788	
	Total Waziri Rupi ...	16,519	24,809	17,347	42,156	
	Total Kulu and Waziri Rupi.	50,448	79,944	43,042	122,986	

Inner Sahraj.

No.	Name of Kothi.	Number of cattle.	Number of sheep.	Number of goats.	Total of sheep and goats.	Remarks.
1	Manglaur ...	552	490	364	854	At the first settlement the number of cattle was 9,282 and of sheep and goats 14,583, and for Outer Sahraj the figures were 17,350 and 28,077, showing a total of 26,632 cattle and 42,660 sheep and goats, as compared with 19,337 cattle and 29,086 sheep and goats in Inner and Outer Sahràj at the revised settlement.
2	Plach ...	1,228	1,459	1,078	2,537	
3	Sarchi ...	969	1,093	960	2,053	
4	Nohanda ...	747	1,566	806	2,372	
5	Tung ...	990	1,424	625	2,049	
6	Chaini ...	869	330	386	716	
7	Kharagarh ...	806	796	358	1,154	
8	Tilokpur ...	697	462	411	873	
9	Fatehpur ...	1,400	1,318	835	2,153	
10	Shikari ...	1,095	448	555	1,003	
11	Gopalpur ...	2,273	1,911	1,471	3,382	
12	Banogi ...	1,216	744	890	1,634	
13	Shangar ...	650	803	378	1,181	
14	Bunga ...	2,469	1,582	1,808	3,390	
	Total Inner Sahraj ...	15,961	14,426	10,925	25,351	

Outer Sahraj.

No.	Name of Kothi.	Number of cattle.	Number of sheep.	Number of goats.	Total of sheep and goats.	Remarks.
1	Jalori ...	3,222	3,766	1,804	5,570	
2	Janja ...	2,399	2,412	1,598	4,010	
3	Raghopur ...	3,593	4,078	2,674	6,752	
4	Bahramgarh ...	1,735	1,803	898	2,701	
5	Kot ...	1,654	1,369	1,093	2,462	
6	Kandi ...	1,021	584	626	1,210	
7	Pandrabis ...	2,244	1,799	1,382	3,181	
8	Dhaul ...	2,032	1,587	1,329	2,916	
9	Srigarh ...	4,021	2,076	1,630	3,706	
10	Naraingarh ...	5,202	5,928	2,906	8,834	
11	Himri ...	5,624	3,593	2,733	6,326	
	Total Outer Sahraj ...	32,747	28,995	18,673	47,668	
	Total of Plach ...	48,708	43,421	29,598	73,019	
	Total Kulu, including Rupi	50,448	79,944	43,042	122,986	
	Total of the Sub-Division, excluding Lahul and Spiti	99,156	123,365	72,640	196,005	

ALEX. ANDERSON,
Forest Settlement Officer.

Correspondence as to the Rights of the Rai of Rupi.

(*Vide* para. 102 of Mr. Anderson's report.)

No. 95, dated 4th August 1885.

From—A. ANDERSON, Esquire, Forest Settlement Officer, Kangra District,

To—The Deputy Conservator of Forests on Special Duty Dharmsala.

I HAVE the honor to forward "General Provisions in regard to the Rai's rights" in Waziri Rupi waste land, and also a note on the nature of the enquiry that has been made.

2. I shall be obliged if you will record your objections to the general provisions in the 3rd column of the form which should be returned, as also the note on the enquiry, no copies having been kept. The whole will be laid before the Commissioner, and, as it is of importance that this matter should be disposed of soon, I hope you will be able to let me have your opinion at a very early date.

ENQUIRY INTO RAI'S FOREST RIGHTS.

THE Government order was—

(1) that "only such rights should be admitted as might be shown to have existed during the 25 years preceding 1881";

(2) that "these rights were to be admitted only in the forests where there was reasonable evidence of their existence";

(3) that "the Rai should be dealt with liberally rather than strictly."

2. The period of 25 years goes back to 1856, when there was little or no forest conservancy, and for the first 7 or 8 years no restriction whatsoever was imposed on Rai Gyan Singh's use of the forests of his jagir. But he began about 1864 or 1865 to feel the pressure of the stricter conservancy rules, and on his appealing to the Financial Commissioner an order was passed that he should obtain fuel, grass and timber without let or hindrance for his own personal use. The Deputy Commissioner, in communicating this order qualified it by the restriction that deodar should be applied for. There is every reason to believe that up to the time of his death he exercised his rights in any forest that suited his convenience.

3. During the minority of the present Rai, that is up to last year, his affairs were managed by a Superintendent under the Assistant Commissioner, and in consequence some acts which his father did without consulting any authority have been done after reference to the Forest Department. Besides, since the question of the Rai's rights has been under discussion, the special attention of the Forest Officer and of his subordinates has been drawn to the subject, and the rights have not been for some three or four years exercised in the same free manner as in Rai Gyan Singh's time. But it is in a very special manner incumbent on Government, as the trustee of the Rai's estate, to see that no just rights of the Rai have been lost during his minority, and that the failure of Government as his guardian to exercise in a particular way rights existing previously to his becoming a ward should not be allowed to prejudice him in the present enquiry.

4. Judging from the order of 1865, and the fact that the Rai could certainly cut trees and take forest produce from any and every forest of his jagir, it might be presumed that the rights claimed *exist* in each forest, and this is the interpretation put on the Government order by the Financial Commissioner in his Secretary's No. 452, of 20th January 1885, to the Commissioner (paragraph 4). No rights of a special nature, not included in Secretary to Financial Commissioner's No. 134 C. of 1st August 1882, have been claimed. But another interpretation has been put on the order, *viz.*, that though all these rights do *exist* in each forest of the jagir, and though the Rai or his guardian might have exercised these rights in *each* forest, still he has probably *exercised* the rights only in *certain* forests, and the Government order is that the rights that have been exercised are to be admitted, and not the rights which, though existing, were not exercised. In order that the report to be submitted may be complete, an enquiry has been made in accordance with this second interpretation, and the result recorded. If the first interpretation is held, the record will be prepared in accordance with the Financial Commissioner's letter No. 134 C. of 1st August 1882, and will be the same for each forest.

5. In making the enquiry referred to in the last paragraph, the first difficulty arose from the sub-division of the forests into smaller areas to suit the record of rights, or the nature of the forests. The question arose what rights have been exercised in each small piece. The reply perhaps was no rights have been exercised in this piece of forest but just across the nala which is the boundary certain rights were exercised. All rights were therefore excluded. By such a process as this the Rai's rights might have been reduced to the few square yards where trees were cut. On several occasions the Rai's representative, Sukh

Dial, formerly Superintendent, objected and pointed out that what is now recorded as two or three forests was formerly regarded as one. The sub-division of the forests is most marked where they contain valuable trees, and these are the places where the Rai has the greatest claims. The enquiry was made as to each forest separately and a separate record is made for each.

6. The forest rights of the Rai are very intimately bound up with his rights to "begar" or forced labour. When anything is wanted, charcoal, torches, timber, &c., an order is issued to the Negi of the kothi whose turn it is to supply it, and the Negi arranges for it. No record was kept in the past, and nothing but oral evidence was forthcoming to establish where any right was exercised. The difficulty was increased by the fact that some of the wants are occasional, occurring after several years. The question whether the tree was green or dry, and the precise place where it was cut, were not considered of any importance, and the evidence produced in regard to the cutting of a particular tree (say a green walnut) was necessarily meagre, and the witnesses often made statements under cross-examination inconsistent with each other and with truth. In some cases Mr. Smith, Deputy Conservator of Forests, went to the spot to inspect the stumps, and inferences had to be drawn from the appearance of the wood whether the tree had been cut green, or had been cut within the last quarter of a century. Seeing the nature of the enquiry, the Rai's representative probably was careful to limit his claims to what he had some hope of establishing. The evidence of the principal men in the villages and of the Rakhas, carpenters and others was recorded, and if it was generally in favour of the Rai, the claim was admitted. In some doubtful cases which, however, should under the Government orders have been decided in the Rai's favour, there was less difficulty in allowing the right, as it was proposed that in regard to certain valuable trees certain restrictions as to procedure in cutting should be imposed which have not existed in the past.

7. Again, I have also reasoned that the trees which could be cut by the people for their own use without the permission of the Forest Department could also be cut by them for the Rai's use. Now up to 1872 the Negis could give permission to cut any tree (green or dry) except deodar. In that year certain restrictions were imposed in regard to walnut, box, ash and some other trees; but the restrictions did not apply to the Rai, and were not enforced in Rupi even against the people for some years later. The Negi's authority to give kail, rai, tos, &c., was not taken away until 1879.

8. The proposed record does not, in my opinion, confer any right on the Rai which there is reason to believe has not been exercised. In not a few cases rights claimed as having been exercised have been disallowed, and I may say that in no single case have all the rights been exercised and allowed which the Rai might have exercised and so have established in his favour. The proposed record gives him nothing but what can in my opinon be strictly held to be his right, even according to the more unfavourable interpretation of the Government order.

9. The rights recorded are in all cases subject to certain general provisions which are either in accordance with prevailing custom or are more strict. These provisions are prepared on the understanding that Government is to retain all its rights even in the undemarcated waste, except the one right of property in the soil of such waste. In the case also of the property in the soil such provisions are recorded as reduce the right to little more than what the Rai has all along had. In short, the Rai gets by the Record and the General Provisions only his bare rights, less than which Government cannot give him. It may give him more if it sees fit to do so, but it would be premature to make any proposals on that subject until it is known exactly what he is entitled to.

DHARMSALA,
4th August 1885.

ALEX. ANDERSON,
Forest Settlement Officer.

Dated 7th September 1885.

From—L. GISBORNE SMITH, Esquire, Officiating Deputy Conservator of Forests,

To—The Forest Settlement Officer, Kangra.

IN reply to your No. 95, dated 4th August, I have the honor to return you the General Provisions in regard to the Rai's rights in Waziri Rupi together with your note on the nature of the enquiry that has been made.

2. I have recorded my objections as requested by you, and hope the correspondence may go in the usual channel to the Conservator of Forests for his opinion before it is finally laid before Government.

3. I also beg to place on record that I do not altogether share the opinion expressed in paragraph 9 of your notes. I consider the Rai has perhaps been too liberally treated, and instead of getting his bare rights has in many cases got more than he was entitled to.

NOTE.—The Rai has not yet seen the Record and the General Provisions, and it is open to him to object and appeal to the Commissioner; but before showing them to him I think it expedient that Mr. Smith, Deputy Conservator of Forests, should see them, so that after the Rai has accepted the Record no changes may be necessary.
The 4th August 1886. *A. A.*

GENERAL PROVISIONS IN REGARD TO THE RAI'S RIGHTS.

Proposed provisions as to the Rai's rights.	Remarks of Forest Setttlement Officer.
I.—To Forest Produce.	
1. In demarcated forests, the Rai may exercise only such rights as have been allowed and recorded for each forest.	See note as to the record of the Rai's rights in demarcated forests.
2. In the undemarcated forests and waste land, the Rai may exercise the following rights :— (*a*) the right to cut shrubs and trees of all kinds without payment ; (*b*) the right to take minor forest produce of all kinds, such as grass, fruits, medicinal roots, birch-bark, &c. ; (*c*) the right to take limestone, slates, stones.	
3. All the rights referred to in clauses 1 and 2 are subject to the following conditions :— (1) That the produce is required for the *bonâ fide* use of the Rai and his household, including the temple of Rughnathji at Sultanpur ; that it may not be sold or bartered, or used in any way for purposes of trade or profit. *Illustration.*—Timber supplied to or cut by the Rai for building purposes may not be used to build a house to be let for rent.	The temple of Rughnathji at Sultanpur is the Rai's private chapel, and is in reality part of the "mahal."
(2) That these rights do not exclude the co-ordinate rights of the Government as proprietor of all forest produce ; nor the rights of those who are recorded as having rights in the demarcated forests ; nor the rights of those who have hitherto exercised rights in the undemarcated forests and waste lands. *Illustration.*—The Rai may cut bamboos in Surjani, 2nd class Protected Forest; the same right may be exercised by Government and by those zamindars that are recorded as having full rights in that forest.	
(3) That (as in many cases walnut and other trees have been cut for the Rai's use and only a part of the timber has been removed, the rest being left to rot in the forest) it is incumbent on the Rai to arrange that timber cut for his use be removed and utilized.	See clause (*b*) for the past procedure. There has no doubt been waste, but the restrictions now proposed will stop it, or at all events very much reduce it. Under the procedure proposed the Forest Officer will know what has become of every tree of any value cut for the Rai's use.
(4) That the Rai is held generally responsible for the actions of those engaged in cutting wood, or burning charcoal, for the supply of his wants : that he will arrange that charcoal be burned in such a place that there be no risk of the forest being set on fire.	According to ancient custom and agreements recorded at Settlement, the people of the jagir are bound to supply the Rai with labour for certain purposes, including the carriage of forest produce, *e. g.*, blacksmiths must supply charcoal, carpenters' torches, &c. The begaris are likely to be more careful if they are made to understand that the Rai may be brought to task for their actions.
(5) that in the case of demarcated forests, some part may be closed for reproduction, in accordance with the Record and existing Rules, and that in such portion the exercise of his rights shall be suspended.	

Objections of Deputy Conservator of Forests.	Objections of the Rai added (in italics) after the opinion of the Deputy Conservator of Forests had been given.
	The Rai objected that in the demarcated forests there is no entry made as to the trees, &c., being given without payment. This has been now provided for. A. ANDERSON. *He specially wished that these general provisions should not apply to the undemarcated forests, in which he asked that he might be allowed to exercise rights without restriction, except on sale.* See special recommendation. A. A.
I do not think this is sufficiently definite. Is the Rai entitled to build houses for himself and his household anywhere and everywhere throughout his "jagir," and to what extent can his right be exercised ? May he, for instance, build himself a palace and "serai" at every halting-place along a road, and cut a thousand poles to build them ? If not, I think that the number of buildings at least should be specified for which he is entitled to timber free. It might also be well to record the extent to which the Rai can claim timber free for these buildings.	*The Rai objected that this prevented him making a shop or any other building for purposes of rent.* And it is right he should be prevented making a profit out of Government forests in that way. A. A.
This is doubtful as long as they do not get punished themselves. Why not make both parties jointly responsible and liable ?	*The Rai objected that he could not be responsible for the acts of begaris, who, in accordance with the Settlement Record, have to supply him with certain articles, charcoal, &c.* The condition is made in order that he may impress on his begaris the necessity for care. A. A.

Proposed provisions as to the Rai's rights.

(6). (*a*) That deodar, walnut, box and ash may not be cut without the permission of the Forest Officer in charge of the Kulu Division, but fallen walnut may be removed without permission. The Forest Officer shall grant permission to cut such number of these trees as is *bonâ fide* required by the Rai for the purpose mentioned in his application, and he shall have the trees marked for cutting in places as convenient to the Rai as the maintenance of the forest will admit.

(*b*) When the Rai requires at one time from one forest any number not exceeding 10 trees of the following kinds:—

(1) Elm,	(9) Shisham,
(2) Alder,	(10) Olive,
(3) Blue Pine,	(11) Horse-chestnut,
(4) Chil,	(12) Celtis,
(5) Spruce,	(13) Mulberry,
(6) Silver Fir,	(14) Hill tun,
(7) Yew,	(15) Kakaran,
(8) Cypress,	(16) Poplar,

he may give a written order to the Negi of the kothi in which he wants the trees, specifying the number, kind and size of the trees, the purpose for which they are required, the locality in which they are to be cut; and at the same time he shall send intimation to the Forest Officer in charge of the Kulu Division, giving him the particulars of the order to the Negi.

The trees shall be cut in presence of the Rakha or forest official in charge of the forest, to whom the Negi shall at the time give the Rai's order. The order shall remain in force not more than three months, at the end of which time, or sooner if the trees have been all sooner removed, the Rakha or forest official shall send the order to the Forest Officer with a report as to what has taken place.

No second order on the same forest may be issued by the Rai until all the timber cut under the first order has been removed from the forest.

(*c*) When the Rai wishes to cut from one forest at one time more than 10 trees of the kinds detailed in (*b*), he shall apply to the Forest Officer in charge of the Kulu Division, who shall give permission to cut such number of these trees as is *bonâ fide* required by the Rai for the purpose mentioned in his application, and he shall have the trees marked for cutting in places as convenient for the Rai as the maintenance of the forest will admit.

Remarks of Forest Settlement Officer.

As to procedure in cutting trees see Secretary to Financial Commissioner's No. 32, dated 3rd January 1865, to Commissioner, in accordance with which an order was passed allowing the Rai to cut any tree except deodar; and judging from Mr. Smith, Assistant Conservator of Forests' No. 81, dated 21st July 1882, enclosing Forest Ranger's Report, and from Colonel Stenhouse's No. 243, dated 26th July 1882, it appears that up to this time the order of 1865 has been acted upon. The Financial Commissioner in his Secretary's No. 134 C, dated 1st August 1882, to Secretary to Government, recommended that it should not be necessary for the Rai to apply for such timber as he required, but that he should give notice when he cuts any tree for which, under ordinary rules, the sanction of the Forest Officer was required, and that when any large number of trees was required, application should be made to the Forest Officer to mark the trees, so that they might not be all cut in one place. This recommendation was accepted by Government in its No. 542, dated 12th December 1884.

The proposals now made are much more strict than the procedure laid down in the letters quoted above, and the Rai may object that his privileges or rights are being taken away. For instance, he has cut walnut, box and ash in some forest or other of his jagir without any reference whatsoever to any forest official. The enquiry made has shown that there has been waste in the case of walnut arising from want of supervision and system. The waste cannot be laid at the Rai's door, as he has just come of age, and it is perhaps scarcely fair to curtail his rights for the faults of those over whom he has had no control.

Mr. Smith, Deputy Conservator of Forests, is, however, anxious to have walnut, box and ash protected in the same way as deodar has been hitherto protected, and the proposal now made is in accordance with his wish. In some cases also where there was doubt as to whether the Rai had really exercised his right of cutting these trees, the right has been admitted to some extent on the ground that the procedure now proposed will prevent any abuse of the right, and will enable the Rai merely to supply his actual wants, and to that degree his right most certainly extends.

No trees of the 20 kinds referred to in (*a*) and (*b*) can be cut without the knowledge of the Forest Officer, and as a report must be submitted at the end of three months showing what has been done with the trees, waste will be prevented or brought to light at once.

Objections of Deputy Conservator of Forests.	Objections of the Rai added (in italics) after the opinion of the Deputy Conservator of Forests had been given.
I believe this order did not include deodar even, but this tree was made an exception by the Commissioner or Deputy Commissioner in forwarding the orders. The orders of 1865 seem to be merely executive ones laying down the procedure by which the Rai should get timber. They may have suited the requirements of forest conservancy very well at the time, but there appears no reason why they should not be modified now and hereafter as the necessity for more careful treatment of the forest arises. The orders have already been altered as is shown, and as far as I know never received the sanction of Government. Such an order could hardly, I think, be construed into a sanad conferring rights on the Rai. It is clearly shown by the Forest Settlement officer that the procedure has been much abused and has resulted in much waste of valuable kinds of timber. Under clause (*b*) the number should be fixed with due regard to the number of forests from which the Rai is entitled to cut trees for that particular purpose. A proviso should, in my opinion, be added to Rule 6 to the effect that the Government may remove any tree from the operation of Rule 6 (*b*) to that of 6 (*a*), should it be necessary to do so. This was an executive order passed by Colonel Stenhouse, Deputy Conservator of	*The Rai objected that up to this time he had taken all trees except deodar without permission and without notice to the Assistant Commissioner or Forest Department; that walnut, box, and ash should be included in clause (b). He quoted the order of* 1865, *and stated also that the three kinds of trees, walnut, box and ash, are only occasionally required, and that in future no damage would be done.* These three kinds are required so rarely that the proposed restriction will scarcely effect him at all. A. A. *The Rai objected to (b) if it applied to undemarcated as well as demarcated forests—* (1) *that the period of three months was too short, as timber required by him is taken out by begaris and it is not always possible to get the work done as speedily as he might wish.* He may renew the order. A. A. (2) *that the trees should be cut in the presence of the Rakha; if it is necessary to have a forest guard, there will be great difficulty in securing his presence, as the guard will require the permission of his superior officer.* The trees must be cut in presence of the official in charge. A. A. (3) *that the number of trees (ten at a time) was too small, and he asked that the number be increased to* 20—*at least of kail, rai, tos, darl, of which a considerable number is required at one time. Other trees are only required occasionally.* On removing ten trees an order can be passed for ten more. A. A. *He objected also to the provision that the Local Government should have power to remove trees from clause (b) into clause (a).* Circumstances may hereafter change the relative value of timber so much that some of the less valuable trees may require special protection. A. A. *The Rai has made great objection to the provisions (e) and (f) on the understanding that they prevent his cutting a green standing kail for charcoal or for torches, and the objection is specially directed against any restriction being imposed in the undemarcated forests.* If the Rai wants a green standing kail for charcoal in the undemarcated forests, he can issue an order to cut it. A. A.

Proposed provisions as to the Rai's rights.	Remarks of Forest Settlement Officer.
(*d*) Notwithstanding anything contained in (*b*) and (*c*) kail and chil may be lopped without written order and without permission for charcoal in the undemarcated forests and in those demarcated forests where the right is recorded, provided that the trees are not less than two haths in girth at three haths from the ground, and are not lopped to more than one-third of their height.	The ordinary wants of the Rai in the way of kail charcoal can be supplied by lopping. On special occasions a tree may be required, but very rarely. The restrictions imposed on the lopping are the same as apply to ordinary right-holders.
(*e*) Notwithstanding anything contained in (*b*) and (*c*), dry standing and fallen trees of the kinds detailed in (*b*) may be cut and removed without permission of the Forest Officer from the undemarcated forests, and from those demarcated forests where the right to these trees is recorded.	An order was passed in 1877 that the *people* could cut dry standing trees wherever situated, even in the old demarcated forests. That order probably only expressed the custom existing at the time. A rule allowing the cutting of standing dry trees was proposed for the 2nd class and undemarcated forests in Kulu. Exception is taken to this rule and to the present proposal, on the ground that they tend to the ringing of trees. No doubt all of these rights may be abused, and this one among the others, but that is no sufficient reason for taking it away. The proposal does not apply to deodar, walnut, ash and box, and the trees to which it applies may be cut green in 2nd class forests and undemarcated areas with the permission of the Negi. The Rai has hitherto cut these trees even green without let or hindrance.
(*f*) All trees and shrubs not included in (*a*) and (*b*) may be cut without written order and without the permission of the Forest Officer from the undemarcated forests, and from those demarcated forests where the right to such trees and shrubs is recorded : but if the fellings are so large or are confined to so small an area as to materially affect the rights of the people, or to denude the forest, the Forest officer in charge of the Kulu Division may order that fellings shall cease in that particular locality and shall indicate some other place for the exercise of the right.	Condition (*f*) is imposed largely in the interests of the people to prevent oak and other trees of value to them being cleared off.
(7). Slates, limestone, stones, may be taken from the undemarcated waste and from those demarcated forests where the right is recorded, provided that damage is not done to any trees enumerated in clause (6) (*a*) and (*b*).	
II. (1).—Dues for summer grazing. 1. The Rai may collect dues at the following or any higher rates sanctioned by the Local Government from the Suket shepherds that graze in the 12 nigahrs recorded in Kirganga Forest, Kothi Kanawar, as held by these shepherds, *viz.*— Rs. 2 per 100 sheep and goats. $\frac{1}{2}$ anna per score sheep and goats (bika). $\frac{1}{4}$ anna per flock of 400 sheep and goats ... ... (badru). Re. 1 per nigahr ... ... (marni). 2. The Rai may collect dues at Rs. 2 per 100 sheep and goats or at any higher rate sanctioned by the Local Government from the Suket and Sahraj shepherds that graze in any other gahrs and nigahrs in kothis Kanawar and Sainsar except the 12 nigahrs mentioned in clause 1.	In demarcating the 2nd class protected forest it was not considered necessary to put up pillars at the upper limit of the forest. Above many of these forests there is a large area of grassy waste and perpetual snow of no use except for grazing. It cannot be cultivated, and it did not seem necessary therefore to give the Rai proprietary right in the soil. These bare wastes are shown as part of the 2nd class forests, and Government retains the property in the soil even though such waste is not forested. Under the Government orders the proprietary right might have been conferred on the Rai, and if any inference adverse to him is to be drawn from the fact that this was not done, it should be done at once. Pillars should in that case be put up along the upper line of arborescent vegetation, and whatever is above that line should be declared as belonging to the Rai. Even then he could exercise no right in that area not now allowed. The only

Objections of Deputy Conservator of Forests.	Objections of the Rai added (in italics) after the opinion of the Deputy Conservator of Forests had been given.
Forests, giving general permission to cut dry standing trees. A permissive Act could hardly be said to be a right. The permission was seldom taken advantage of, as the order was not made generally known until 1883, when it was reissued at the Forest Settlement Officer's request. It has led to much abuse and damage, and should be rescinded.	
Cases have already arisen in which green trees have been cut for dry ones. It is almost useless to prosecute such cases, for after a tree has been cut a month or two, it is difficult for a court to decide whether it was dry or green when cut, and a prisoner always gets the benefit of any such doubt.	
The order forms a loophole for malpractices which the people are only too ready to take advantage of. It leads to much friction between the Forest establishment and the people if literally enforced. If not supervised at all, it results in much damage and bad forest management. In my opinion this permission, for it can hardly be called a right, should not be extended to the Rai any more than to the people.	
	The Rai asked that the authority to ncreasei the existing rate, vested by the provision in the Local Government, should be conferred on him. He pointed out that the sheep that go from Rupi to Suket, Bhaji, &c., pay Rs. 5, 6 and 7 per hundred.
	Also he pointed out that formerly he used to collect rahdari on sheep amounting to Rs. 100 or Rs. 150 a year.
	I don't think he should have authority himself to increase the rate of grazing dues any more than the land revenue. A. A.
	The Rai objected to (4) *that he should be allowed to introduce other sheep into the zamindars' runs when there was no interference with the grazing rights of zamindars. He said that under the provision as it stands runs might remain ungrazed.*
The rights of the people of Kulu and Rupi are rights of "user," and cannot be sold or bartered, *vide* Lyall's Settlement Report.	*Also he stated that the jagirdar used to grant pattas for grazing, or cancel them as he pleased.*

Proposed provisions to the Rai's rights.	Remarks of Forest Settlement Officer.
3. In the case of all gahrs and nigahrs recorded in the name of Suket and Sahraj shepherds these shepherds are responsible to the Rai for the filling of the runs up to their grazing capabilities, and if they fail to fill any runs, the Rai may introduce the sheep of other Suket and Sahraj shepherds to make up the deficiency. 4. In the case of all gahrs and nigahrs in kothis Kanawar and Sainsar, recorded in the names of individuals or of hamlets in Waziri Rupi, these individuals or hamlets may, wherever the custom is recorded as existing, allow Suket or Sahraj shepherds to graze their sheep in these gahrs and nigahrs in consideration of manure for their fields. Such shepherds shall pay grazing dues under clause 2 to the Rai, but the Rai has no right to introduce Suket or Sahraj sheep into these runs without the consent of the individuals and hamlets in whose names they are recorded. 5. The right of Suket and Sahraj shepherds to graze in their own runs and in those of the Rupi right-holders, and of the Rai to collect dues from them is subject, in all cases where the runs are forested, to the right of Government to close some portion of the forest in accordance with rules framed in that behalf.	right possible in it is grazing, and that would remain just as it is now recorded, and the provisions now proposed for summer grazing would remain as they are. Foreign sheep find summer grazing only in Kanawar and Sainsar ; they have only a right of way through the other kothis. Some of the runs are recorded in the names of foreign shepherds, and with them the people have nothing to do. Other runs are recorded in the names of Rupi people, who either graze their own sheep in them or allow foreign sheep to graze in return for manure. The foreign sheep that graze in the zamindars' runs pay dues, and it is therefore for the Rai's benefit that they should graze there ; for he gets nothing from Rupi sheep, but he may not *suo motu* put foreign sheep into such runs. The Record and the proposals are in accordance with actual existing facts. I understand that Mr. Smith holds that the Rupi people have no right to allow foreign sheep into their runs in return for manure or any other consideration. But whether they have any right or not, there can be no doubt that the custom has prevailed for many years. It was fully established in 1868 and has probably existed ever since foreign sheep have come to Rupi. It is not so much the people who allow the Suket and Sahraj sheep to graze in their runs as the Rai ; but as these runs are near certain hamlets, if the Rai or Raja had put in foreign sheep against the wishes of the people, objections would have been raised, and in the end admitted. A sort of compromise was come to by which the people got droppings and the jagirdar got grazing dues. Provided that the grazing of the people of the jagir was not interfered with, the Rai or Raja could bring in any number of foreign sheep. No restriction of any kind was ever imposed, but the wants of his own people had to be considered.
II. (2).—Dues for winter grazing. 1. The Rai may collect dues at Rs. 2 per 100 sheep and goats, or at any higher rate sanctioned by the Local Government from Sahraj, Waziri Parol and Lahul shepherds that graze in kothis Kotkandi and Bahlan.	The conclusion to be drawn from the actual facts of the last 30 years is that the Government has conferred on the Rai the right to collect—at all events it has allowed him to collect—grazing dues from all foreign cattle without any consideration of where they might graze.
2. These sheep may graze only in the undemarcated forests and in those demarcated forests where the right is recorded. 3. The right to graze in the demarcated forests and to collect dues on account of such grazing is subject to the right of Government to close some portion of the forest in accordance with rules framed in that behalf.	In winter sheep from the Upper Beas Valley (Waziri Parol), Lahul, and from some parts of Inner Sahraj, spend a few months on the sunny, grassy slopes in the lower parts of Waziri Rupi. This custom was fully established in 1868, and probably existed long before.
4. The Rai may collect dues at 4 annas per horse and 2 annas per ass, or at any higher rate sanctioned by the Local Government from the Lahulas that graze horses and asses in kothis Kotkandi and Bahlan, provided that they graze only in the undemarcated forest and waste of these kothis.	The annual migration from Lahul is very old, and probably also the custom of taking dues.

Objections of the Deputy Conservator of Forests.	Objections of the Rai added (in italics) after the opinion of the Deputy Conservator of Forests had been given.
The assessment in Kulu was made to include payment for forest rights which included sheep grazing among other things.	This objection has been partly accepted in the final proposals made. A. A.
In Rupi the assessment is exactly the same as in Kulu, and it may be presumed was calculated in the same manner. Government as proprietor has a right to collect and dispose of such revenue as it pleases. Its proprietary right is only limited by certain servitudes or rights exercised by the people and the Rai of Kulu. The people have no right to sell or barter forest produce or to lease out their grazing-grounds to outsiders. The Rai may have a right to lease certain grazing-grounds to a limited number of outsiders' sheep, but neither the people nor he can, in my opinion, alienate by their actions the proprietary rights of Government. I take exception to paragraph 4 as giving the people a right which is not recorded them at Settlement, and as conferring upon the Rai the proprietary right of collecting the revenue from these runs whenever the rights of the zamindars lapse or escheat and they wish to lease them. It places the zamindars and Rai in a superior position to Government, who is proprietor.	*He referred also to the fact that the people of Rupi pay no grazing dues, and expressed a fear that if dues should be charged, the people would not do begar, and asked that neither he nor Government should have any right to impose grazing dues on the shepherds of Rupi.* No order necessary. A. A.
1 and 2. These might be more definitely recorded. I think only the sheep of certain kothis visit Rupi in the winter.	
3. And I should say this right was also subject to that of the zamindars having sufficient grazing for their own animals.	

Proposed provisions as to the Rai's rights.	Remarks of Forest Settlement Officers.
III. (1)—Licenses to snare musk deer.	
1. The Rai may give licenses in consideration of any amount he may think proper to snare musk deer during spring and summer up to the rains, and from 15th September to the end of December in any part of the undemarcated waste and in those demarcated forests where the right is recorded, subject to the following conditions :—	
(1). That Government may take measures for the preservation of game, including musk deer, and may close certain areas against the trapping or shooting of game, including musk deer.	This condition (1) is proposed by Mr. Smith, Deputy Conservator of Forests. I am not sure that Government has any such right in regard to musk deer, and, further, I question whether having such a right it should be asserted in the case of musk deer.
(2). That Government has an equal and co-ordinate right with the Rai to lease the shooting or snaring of musk deer as well as of other game.	This condition (2) is proposed by Mr. Smith, Deputy Conservator of Forests. In my opinion Government has no such right, and cannot give a license to shoot or snare musk deer. The Rai makes some income from this right, and for Government to give licenses would be a direct infringement of the right.
(3). That the Rai be responsible that the snares set be in reality suitable for the capture of musk deer, and not intended for the capture of pheasants or other winged game.	The condition (3) may be enforced.
III. (2)—Licences to snare hawks.	
1. The Rai may give licenses in consideration of any amount he may think proper to snare hawks from 15th September to the end of December in any part of the undemarcated waste and in those demarcated forests where the right is recorded, subject to the following conditions :—	
(1). That the Government has an equal and co-ordinate right with the Rai to give licenses for the capture of hawks.	This condition (1) is proposed by Mr. Smith, Deputy Conservator of Forests. In my opinion Government has no such right,—*see* conditions for capture of musk deer.
(2). That the snare set be of the three-sided kind (thathi) not of the long kind (lamba-jal).	Pheasants cannot be caught in the thathi, but they may be in the lamba-jal, unless it is kept some distance above the ground. The Rai has for a year or two been forbidden to give licenses for lamba-jal ; but he objected to the restriction imposed, and he again brings forward his claim on the ground of long possession. He will in all probability appeal to the Commissioner on this point.

Objections of the Deputy Conservator of Forests.	Objections of the Rai added (in italics) after the opinion of the Deputy Conservator of Forests had been given.
Government being proprietor, I am inclined to think it has full proprietary rights.	
The right of the Rai in this and all other things is, in my opinion, one of use, not abuse, and always open to regulation by Government.	*The Rai objected that he should not be prevented putting his snares in any place where they have hitherto been put. But he had no objection that shooting should be prohibited.*
Musk deer is game just the same as monal, and the Forest Settlement Officer would have no objection to monal being preserved from the Rai, (*vide* note 3).	*He objected that Government had no equal right with him, that Government had never in any way exercised any such right.*
I hardly think any right exercised by the Rai can be claimed to the exclusion of Government as proprietor. In paragraph 2, clause 3, of these proposed provisions as to the Rai's rights "*to Forest produce*" the Forest Settlement Officer has laid this down very clearly.	These objections are, in my opinion, correct. A. A.
Government might forego this right to give licenses to snare hawks, as they are not game, and their preservation is not a matter of necessity, but it should certainly retain the power of regulating the manner in which these birds are caught. Under pretence of snaring hawks, traps and nets for monal have been set. This practice of catching monal has always been put a stop to.	*The Rai made the same objection to* (1) *as in the case of musk deer.* *He also objected to* (2). These two objections are, in my opinion, correct. A. A.

Proposed provisions as to the Rai's right.	Remarks of Forest Settlement Officers.
IV—Property in the soil.	The whole of the waste in Rupi is at present the property of Government; but it was ordered that all forest land worth preserving as forest being demarcated, the rest might be handed over to the Rai or to the people subject to conditions. The people can have no proprietary right in the soil, but only a right to forest produce under conditions. The conditions imposed on the Rai are necessary to preserve the Government right in the trees which does not go with the soil, and the people's rights of user.

IV—Property in the soil.

1. The Rai is proprietor of the soil of the undemarcated waste.

2. He may give leases of such waste land for new cultivation and for water-mills near streams.

3. The rights referred to in clauses 1 and 2 are subject to the following conditions :—

(1). For waste land required by Government for public purposes, such as timber slides, encamping-grounds, roads, buildings, protective works in case of land-slips, no compensation shall be paid to the Rai for his proprietary right in such waste.

(2). Government is proprietor of all forest produce on the undemarcated waste, subject to the rights of the Rai and of the people in such forest produce, and it may issue rules for the regulation of these rights.

(3). In regard to the burning of the undemarcated waste for the production of grass, the same rules shall obtain in Rupi as in Kulu Proper.

(4). Government retains all its present rights to minerals existing in the undemarcated waste.

(5). Leases of waste land may be given only for water-mills and for *bonâ fide* extension of cultivation.

Provided also—

(*a*) That there are no trees of the following kinds standing on the land :—

1. Deodar.	11. Yew.
2. Box.	12. Cypress.
3. Walnut.	13. Shisham.
4. Ash.	14. Olive.
5. Elm.	15. Horse Chestnut.
6. Alder.	16. Celtis.
7. Blue pine.	17. Mulberry.
8. Chil.	18. Hill Tun.
9. Spruce.	19. Kakaran.
10. Silver Fir.	20. Poplar.

(*b*). That the rights of the people to grazing, grass, fuel and leaves for fodder are not materially affected.

(*c*). That a lease may not be given to preserve grass land.

(*d*). That if objections to the grant of a lease are raised by the Forest Department or by the people who have been accustomed to exercise rights in the waste entered in the lease, the matter shall be referred to the Assistant Commissioner of Kulu for decision.

Objections of Deputy Conservator of Forests.	Objections of the Rai added (in italics) after the opinion of the Deputy Conservator of Forests had been given.
	The Rai objected to clause 3 (2), that he had never been informed by Government that the forest produce belonged to Government, and that even on bare waste he had no rights except right of user; *that he should be declared proprietor of the trees as well as the soil of the undemarcated area;* *that the Sanad applied only to waste bearing trees, and not to bare waste;* *and his objection seemed to be that he had a right to any pieces of bare waste that may have been included in the demarcated forests.* This has been disposed of by the special order of Government. A. A. *He objected to the provision as to minerals and mines, and stated that he had always taken iron from the Grahn mine in Kanawar.* This matter has also been specially brought before Government. A. A. *The Rai objected to (a) on the ground that this would often prevent his giving leases, if he could not cut the trees. He pointed out that when the trees were required for his own use he could cut them, but when not so required they would not be cut, and so the lease could not be given.* *He asks that in (a) only the first four trees viz., deodar, box, walnut, ash, should remain, and that even if the other trees should be standing on the land he should have authority to give a lease, the trees going to the zamindar who took the land, or to the Rai. He wrote that where the four trees were standing or many trees of other kinds, a lease would not be given.* *He wished to be informed whether it would be necessary before giving a lease to get the sanction of the Forest Department or Assistant Commissioner.* I think the trees on undemarcated waste to which the above objections relate should be as carefully preserved as those in the forests. They are of immense value to the people. The wording of (a) has been slightly changed to show that when the 20 trees are not on the land, no reference need be made to the Forest Department. A. A.

Proposed provisions as to the Rai's rights.	Remarks of Forest Settlement Officer.
V.—Shooting and sport.	
The Rai may himself shoot in any part of Waziri Rupi, and employ others to supply him with game which they may shoot in any part of Waziri Rupi, subject to the following conditions :—	
(1). That game is not sold or bartered or made the means of acquiring profit.	
(2). That the Rai and his employés are subject to all rules prevailing as to close seasons and gun licenses.	Condition (2) is unnecessary, as the Arms Act will apply.
(3). That the Rai's right is not exclusive, but that the same freedom of sport shall obtain in Rupi as in the rest of Kulu.	
(4). That Government may take measures for the preservation of game by closing certain areas against shooting and trapping.	Condition (4) is proposed by Mr. Smith, Deputy Conservator of Forests (*see* licenses for snaring musk deer). Government may have a right in the demarcated forests, but not even there in regard to musk deer. Even if it has the right, I question whether it should be asserted.
(5). That Government has a right to lease the shooting and trapping of game.	Condition (5) is proposed by Mr. Smith, Deputy Conservator of Forests. Government may have such a right, but not in regard to musk deer; and even if a lease were given, the Rai's right to shooting all game should be maintained.
(6). That the Rai and his employés may not shoot with beaters in any areas closed for plantation purposes without the written permission of the Forest Officer in charge of the Kulu Division.	
VI.—General.	
1. In case of continued and wilful abuse of any rights or infringement of the conditions, the Local Government may order such changes in these provisions as seem required in the interests of the forests and of the parties concerned.	Instead of this a rule may be made under section 31 to the effect that— The Rai of Kulu shall be bound by all the conditions recorded in the Record of Rights in regard to the manner in which he may exercise his rights, and any infringement of these conditions shall be an offence under section 32 of the Forest Act.
2. All communications in regard to forest matters shall pass directly between the Rai and the Forest Officer in charge of the Kulu Division.	This will prevent friction and unnecessary interference.

Objections of Deputy Conservator of Forests.	Objections of the Rai added (in italics) after the opinion of the Deputy Conservator of Forests had been given.
The Rai has hitherto had a limited number of shikaris who supply him with game. I do not think it would be wise to let him employ an unlimited number.	
	He asked that the shikaris who bring in game for Thakur Narsinghji should be exempted from the condition as to close season. This does not rest with me. A. A.
I have already referred to the Government's proprietary rights. The method of preserving game by closing certain areas against shooting and trapping has been adopted in Kashmir, and appears to answer very well.	*He objects to 4 and 5 in so far as they will prevent the snaring of musk deer.* This objection is, I think, correct. A. A.
	He asked that as a favour he should be allowed to keep and graze his buffaloes in Kathot in Masu Forest in Har, Sawan, Bhadron, and also in the undemarcated forest. *Also he asks that some forest may be given to him and some share in the income, such as Deoban or Chang.* On both these matters, *see* special recommendations.

ALEX. ANDERSON,

Forest Settlement Officer.

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